

## EXHIBIT 63

Page 1

1 IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION

MDL No. 2804

2 Case No. 17-md-2804

3 THIS RELATES TO:

4  
5 CITY OF CLEVELAND, OHIO, ETAL VS. PURDUE PHARMA L.P.

6 ET AL CASE NO. 18-OP-45132

7  
8 THE COUNTY OF CUYAHOGA, OHIO, ET AL VS. PURDUE

9 PHARMA L.P., ET AL CASE NO. 18-OP-45090

10  
11 THE COUNTY OF SUMMIT, OHIO, ET AL VS. PURDUE PHARMA

12 L.P., ET AL CASE NO. 17-OP-45004

13  
14  
15 VIDEO DEPOSITION OF

16  
17 MAGGIE KEENAN

18  
19  
20 JANUARY 18, 2019

21  
22 DEPOSITION HELD AT CLIMACO, WLICOX, PECA & GAROFOLI

23 55 PUBLIC SQUARE

24  
25 CLEVELAND, OH 44113

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 APPEARANCES</p> <p>3</p> <p>4 Mr. J. Andrew Keyes, Mr. Paul Boehm &amp; Ms. Melinda</p> <p>5 Johnson</p> <p>6 William &amp; Connolly, LLP</p> <p>7 725 12th Street, N.W.</p> <p>8 Washington, D.C. 20005</p> <p>9 (202) 434-5584</p> <p>10 For Cardinal Health</p> <p>11</p> <p>12 Mr. Salvatore C. Badala</p> <p>13 Napoli Shkolnik, PLLC</p> <p>14 400 Broadhollow Road, Suite 305</p> <p>15 Melville, NY 11747</p> <p>16 (631) 224-1133</p> <p>17 For Cuyahoga County</p> <p>18</p> <p>19 Mr. Frank L. Gallucci, III</p> <p>20 Plevin Gallucci</p> <p>21 55 Public Square, Suite 2222</p> <p>22 Cleveland, OH 44113</p> <p>23 (216) 863-0804</p> <p>24 For Cuyahoga County</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 Mr. David Haller</p> <p>4 Covington &amp; Burling</p> <p>5 620 Eighth Avenue</p> <p>6 New York, NY 10018</p> <p>7 (212) 841-1000</p> <p>8 For McKesson</p> <p>9</p> <p>10 Ms. Monique Hannam (By phone)</p> <p>11 Barnes &amp; Thornburg</p> <p>12 11 South Meridian Street</p> <p>13 Indianapolis, IN 46204</p> <p>14 (317) 231-7776</p> <p>15 For HD Smith</p> <p>16</p> <p>17 Mr. Kenneth Prabucki (By phone)</p> <p>18 Baker Hostetler</p> <p>19 127 Public Square, Suite 2000</p> <p>20 Cleveland, OH 44114</p> <p>21 (216) 861-7718</p> <p>22 For Endo Pharmaceutical</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 Ms. Maria Fleming</p> <p>4 Napoli Shkolnik</p> <p>5 600 Superior Avenue East, Suite 1300</p> <p>6 Cleveland, OH 44114</p> <p>7 (212) 397-1000</p> <p>8 For Cuyahoga County</p> <p>9</p> <p>10 Ms. Sarah Conway</p> <p>11 Jones Day</p> <p>12 555 South Flower Street</p> <p>13 Los Angeles, CA 90071</p> <p>14 (213) 489-393</p> <p>15 For Wal-mart</p> <p>16</p> <p>17 Mr. Justin E. Rice</p> <p>18 Tucker Ellis</p> <p>19 950 Main Avenue, Suite 1100</p> <p>20 Cleveland, OH 44113</p> <p>21 (216) 696-3670</p> <p>22 For Janssen and Johnson and Johnson</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 Mr. Steven Boranian (By phone)</p> <p>4 Reed Smith</p> <p>5 101 Second Street, Suite 1800</p> <p>6 San Francisco, CA 94105</p> <p>7 (415) 543-8700</p> <p>8 For AmerisourceBergen</p> <p>9</p> <p>10 THE VIDEOGRAPHER:</p> <p>11 Mr. John Stringer</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 6</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3 EXAMINATION</p> <p>4 QUESTIONS BY MR. KEYES 8</p> <p>5 QUESTIONS BY MR. BADALA 184</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 Deposition Exhibit 1 notice 9</p> <p>9 Deposition Exhibit 2 binder 68</p> <p>10 Deposition Exhibit 3 supplemental response 78</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 plaintiff Cuyahoga County.</p> <p>2 MR. KEYES: Will counsel please enter</p> <p>3 their appearances?</p> <p>4 MS. HANNAM: Monique Hannam Barnes &amp;</p> <p>5 Thornburg for HD Smith.</p> <p>6 MR. PRABUCKI: Kenneth Prabucki of Baker</p> <p>7 Hostetler representing the Endo defendant.</p> <p>8 MR. BORANIAN: Steven Boranian from Reed</p> <p>9 Smith for defendant AmerisourceBergan.</p> <p>10 MR. BADALA: Is that everyone on the</p> <p>11 phone? We just have a standing objection for the</p> <p>12 record for the involvement of Baker Hostetler in</p> <p>13 this litigation as well as Miss Cal Rendo.</p> <p>14 EXAMINATION</p> <p>15 BY MR. KEYES:</p> <p>16 Q Good morning, Miss. Keenan. My name is</p> <p>17 Andrew Keyes. Is it your understanding that you are</p> <p>18 testifying today as a corporate representative for</p> <p>19 Cuyahoga County?</p> <p>20 A Yes.</p> <p>21 Q And is it your understanding that as the</p> <p>22 court representative, you are testifying today not</p> <p>23 as an individual, but as Cuyahoga County itself?</p> <p>24 A Yes.</p> <p>25 Q And is it your understanding that as the</p>
<p style="text-align: right;">Page 7</p> <p>1 VIDEO DEPOSITION</p> <p>2 THE VIDEOGRAPHER: It is 9:09 a.m. We're</p> <p>3 on the record. Would the court reporter please</p> <p>4 swear in the witness.</p> <p>5 MAGGIE KEENAN,</p> <p>6 of lawful age, having been first duly sworn to</p> <p>7 testify the truth, the whole truth, and</p> <p>8 nothing but the truth in the case aforesaid,</p> <p>9 deposes and says in reply to oral</p> <p>10 interrogatories, propounded as follows, to-wit:</p> <p>11 MR. KEYES: Andrew Keyes with Williams &amp;</p> <p>12 Connolly for Cardinal Health.</p> <p>13 MS. JOHNSON: Melinda Johnson also with</p> <p>14 Williams &amp; Connolly for Cardinal Health.</p> <p>15 MS. CONWAY: Sarah Conway for Jones Day do</p> <p>16 for Wal-Mart.</p> <p>17 MR. RICE: Justin Rice from Tucker Ellis</p> <p>18 on behalf of Johnson and Johnson and Janssen</p> <p>19 MR. HALLER: David Haller of Covington and</p> <p>20 Burling for McKesson.</p> <p>21 MS. FLEMING: Maria Fleming of Napoli</p> <p>22 Shkolnik on behalf of the plaintiff.</p> <p>23 MR. GALLUCCI: Frank Gallucci of Plevin</p> <p>24 Gallucci for plaintiff Cuyahoga County.</p> <p>25 MR. BADALA: Salvatore Badala on behalf of</p>	<p style="text-align: right;">Page 9</p> <p>1 corporate representative for the topics for which</p> <p>2 you have been designated. You will be testifying as</p> <p>3 Cuyahoga County based on the information known and</p> <p>4 the information reasonably available to Cuyahoga</p> <p>5 County?</p> <p>6 A Yes.</p> <p>7 Q Showing you what has been marked as Keenan</p> <p>8 30 (b)(6) Exhibit No. 1.</p> <p>9 (Deposition Exhibit Number 1</p> <p>10 marked for identification.)</p> <p>11 Q (Mr. Keyes) Do you have that in front of</p> <p>12 you?</p> <p>13 A Yes.</p> <p>14 Q And this is titled, The Second Amended</p> <p>15 Notice of Videotaped Deposition of Maggie Keenan and</p> <p>16 it continues for two pages. If you turn to the</p> <p>17 second page towards the top, do you see that you</p> <p>18 have been designated as the corporate representative</p> <p>19 for Cuyahoga County on topics 11, 21, 22, 37 and 38</p> <p>20 of defendants original 30 (b)(6) notice?</p> <p>21 A Yes.</p> <p>22 Q Are you prepared then to testify today as</p> <p>23 the corporate representative for Cuyahoga County on</p> <p>24 those topics?</p> <p>25 A Yes, I am.</p>

3 (Pages 6 - 9)

<p style="text-align: right;">Page 10</p> <p>1 Q Did you prepare for today's deposition?</p> <p>2 A Yes, I did.</p> <p>3 Q What did you do to prepare?</p> <p>4 A Um, I reviewed county budget documents.</p> <p>5 So budget plans that have been prepared for previous</p> <p>6 years recommended budget books.</p> <p>7 I communicated with the Office of</p> <p>8 Budget Management where I work has seven analysts</p> <p>9 who have a collection of agencies that they work</p> <p>10 for. So I communicated with all of our analysts</p> <p>11 just to review revenue, budgets, expenses related to</p> <p>12 county agencies and departments.</p> <p>13 I did confer with the county fiscal</p> <p>14 officer to make sure that his understanding was the</p> <p>15 same as mine.</p> <p>16 And I reached out to some of the</p> <p>17 agencies directly, Felicia Harrison who is the</p> <p>18 finance director at the ADAMHS Board just to talk a</p> <p>19 little bit about their revenue sources.</p> <p>20 That's what I can think of off the</p> <p>21 top of my head. And I, of course, did meet with the</p> <p>22 county's attorneys.</p> <p>23 Q How many times did you meet with the</p> <p>24 counties attorneys to prepare for today's</p> <p>25 deposition?</p>	<p style="text-align: right;">Page 12</p> <p>1 A Yesterday.</p> <p>2 Q Who did you meet with?</p> <p>3 A Sal Badala and Frank Gallucci.</p> <p>4 Q Did you meet with any other lawyers in</p> <p>5 that meeting?</p> <p>6 A No.</p> <p>7 Q Did you meet with anyone else besides</p> <p>8 Mr. Badala and Mr. Gallucci in that meeting?</p> <p>9 A No.</p> <p>10 Q How long was that meeting?</p> <p>11 A About five hours.</p> <p>12 Q Where was the meeting?</p> <p>13 A In the offices of Gallucci and Plevin,</p> <p>14 Plevin and Gallucci, upstairs.</p> <p>15 Q Did you review documents during that</p> <p>16 meeting?</p> <p>17 A Again, we reviewed the plaintiff's</p> <p>18 response to Interrogatory Number 18. And, um, just</p> <p>19 reviewing the topics that might be covered today.</p> <p>20 Q Anything else?</p> <p>21 A No.</p> <p>22 Q So did you review the same material in</p> <p>23 both the first prep meeting and the second prep</p> <p>24 meeting?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 A I believe we had two in person meetings</p> <p>2 and then we communicated via phone probably five or</p> <p>3 six times.</p> <p>4 Q Who did you meet with the first time?</p> <p>5 A Sal Badala.</p> <p>6 Q Any other lawyers?</p> <p>7 A No, not the first meeting.</p> <p>8 Q And did anyone else besides you and</p> <p>9 Mr. Badala participate in that first meeting?</p> <p>10 A No.</p> <p>11 Q How long was that meeting?</p> <p>12 A I can't recall. I can't recall, sorry.</p> <p>13 Q Can you give me your best estimate how</p> <p>14 long that first prep meeting was with Mr. Badala?</p> <p>15 A Under two hours.</p> <p>16 Q Did you review documents in that meeting?</p> <p>17 A I reviewed the county's response to</p> <p>18 Interrogatory Number 18. I reviewed the topics that</p> <p>19 I was assigned for this deposition. You know, each</p> <p>20 one of these 11, 21, 22, just to review what was</p> <p>21 going to be discussed.</p> <p>22 Q Did you review any other documents in that</p> <p>23 first prep meeting with Mr. Badala?</p> <p>24 A I don't believe so.</p> <p>25 Q When was your second prep meeting?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q Did you have any other prep meetings with</p> <p>2 the lawyers to get ready for today's deposition?</p> <p>3 A Not in person meetings. We have had phone</p> <p>4 calls.</p> <p>5 Q And you said earlier you had phone calls</p> <p>6 maybe five or six times?</p> <p>7 A Yes.</p> <p>8 Q When was the first of those five or six</p> <p>9 times?</p> <p>10 A I can't recall.</p> <p>11 Q When was the most recent of those five or</p> <p>12 six times?</p> <p>13 A Um, I believe we talked Monday, but I</p> <p>14 honestly can't recall, this past Monday.</p> <p>15 Q And did you review documents during those</p> <p>16 phone conversations with the lawyers?</p> <p>17 A There was at least one phone call where we</p> <p>18 reviewed the same documents that I've already</p> <p>19 identified.</p> <p>20 Q The plaintiff's response to Interrogatory</p> <p>21 Number 18?</p> <p>22 A That's correct.</p> <p>23 Q And the topics that were assigned to you?</p> <p>24 A That's correct.</p> <p>25 Q Anything else?</p>

<p style="text-align: right;">Page 14</p> <p>1 A No.</p> <p>2 Q You said that part of your preparation for</p> <p>3 today's deposition was to review budget documents.</p> <p>4 Which specific budget documents did you review?</p> <p>5 A Um, I know I was looking at 2017 and 2018.</p> <p>6 But the other years that I looked at I can't recall</p> <p>7 which specific years.</p> <p>8 Q Did you look at budget documents for years</p> <p>9 prior to 2017?</p> <p>10 A I did.</p> <p>11 Q Which ones?</p> <p>12 A I can't recall which specific years.</p> <p>13 Q How far back did you look at budget</p> <p>14 documents?</p> <p>15 A 2010.</p> <p>16 Q How many different years worth of budget</p> <p>17 documents did you the review?</p> <p>18 A I'm sorry, I can't recall.</p> <p>19 Q Why did you review these budget documents?</p> <p>20 A Um, because one of the topics, well, two</p> <p>21 of the topics that I'm talking about, were likely to</p> <p>22 talk about today are revenue, sources of revenue and</p> <p>23 the county's overall budget.</p> <p>24 I'm assuming you are aware we</p> <p>25 provided the budget documents. The county has a</p>	<p style="text-align: right;">Page 16</p> <p>1 Q What is the difference between budget plan</p> <p>2 and a recommended budget book?</p> <p>3 A So when the county system under our</p> <p>4 charter government, the county executive recommends</p> <p>5 a budget to the county council. It is not unlike</p> <p>6 the state, how the state or federal government</p> <p>7 operates.</p> <p>8 The Office of Budget Management,</p> <p>9 where I work, we will put together a comprehensive</p> <p>10 rather voluminous book that details the county's</p> <p>11 recommended budget.</p> <p>12 So we include pages specific to all</p> <p>13 agencies and departments so that we can provide the</p> <p>14 council and the public some detail on how the county</p> <p>15 is spending its resources.</p> <p>16 That budget recommended book is</p> <p>17 presented to the council, but then after county</p> <p>18 council holds its hearings, they invariably will</p> <p>19 make amendments to the budget. They adopt a plan</p> <p>20 that differs somewhat from the recommended budget</p> <p>21 book. So we will create a new book that is the</p> <p>22 budget plan, which will detail what has been adopted</p> <p>23 by county council.</p> <p>24 The recommended budget book you</p> <p>25 cannot rely on as the actual budget. Parts of it</p>
<p style="text-align: right;">Page 15</p> <p>1 very large annual budget, it is about \$2 billion.</p> <p>2 So I try to keep it all straight in my head of</p> <p>3 course, but I just wanted to look at a couple of</p> <p>4 prior year documents to refresh my memory.</p> <p>5 Q Why did you look at 2010 budget documents</p> <p>6 in particular?</p> <p>7 A I don't believe I said I look specifically</p> <p>8 at 2010, I just know that I didn't look at anything</p> <p>9 older than 2010.</p> <p>10 Q Did you look at 2010?</p> <p>11 A I can't recall, I'm sorry.</p> <p>12 Q Why didn't you look at any budget</p> <p>13 documents prior to 2010?</p> <p>14 A I don't know, time.</p> <p>15 Q How much time did you spend reviewing</p> <p>16 these budget documents?</p> <p>17 A Collectively probably about two hours.</p> <p>18 Q And we have been talking about budget</p> <p>19 documents, earlier I believe you said you looked at</p> <p>20 the budget plans and then the recommended budget</p> <p>21 books?</p> <p>22 A Uh-huh.</p> <p>23 Q Is that what you meant by the budget</p> <p>24 documents that you reviewed?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 17</p> <p>1 will remain the same, but not all of it. It just</p> <p>2 depends on what council decides to amend.</p> <p>3 Q Is the Cuyahoga County for each year</p> <p>4 reflected in the budget plan document?</p> <p>5 A Yes, it is.</p> <p>6 Q And the budget plan document is the actual</p> <p>7 budget that has been approved by city council?</p> <p>8 A County council.</p> <p>9 Q County council.</p> <p>10 A Yes.</p> <p>11 Q And that typically has differences from</p> <p>12 the budget book that has been recommended by the</p> <p>13 county executive?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 Q (Mr. Keyes) Correct?</p> <p>16 A That is correct.</p> <p>17 Q Does the county put together each year a</p> <p>18 document that describes the differences between the</p> <p>19 county executive's recommended budget and the final</p> <p>20 budget plan that has been adopted by the county</p> <p>21 council?</p> <p>22 A The county will prepare a, usually it is a</p> <p>23 memo that outlines the differences between the</p> <p>24 recommended budget and the final budgets.</p> <p>25 That memo is prepared by me and it is</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 submitted to county council when we submit to them 2 the budget that they will ultimately adopt. 3       So the county council will say we 4 want to change this agency, change this agency, and 5 then it ultimately does come back to the office of 6 budget management to physically make those changes, 7 prepare the new documents. I will submit a cover 8 memo that says here is what differs. 9       We do not provide a book as 10 comprehensive as, for example, the State of Ohio, 11 which also has a very voluminous document that 12 detail the changes. We don't do that, I summarize 13 it. 14   Q You said you prepare this memo. Do you 15 have others who assist you in the preparation of 16 this memo that outlines the changes from the county 17 executive's recommended budget book to the final 18 budget plan that is being submitted to the county 19 council for approval? 20   A So as I mentioned previously, we do have 21 seven analysts that work in the office of budget 22 management. They assist me by way of providing data 23 and if the numbers have changed and I'm unaware of 24 why the number have changed. They will tell me oh, 25 it was this, but I write the memo myself.</p>	<p style="text-align: right;">Page 20</p> <p>1 requested that any changes be made to your memo 2 before it is submitted to the county council? 3   A Yes. 4   Q Can you describe for me the circumstances 5 when Mr. Budish has requested changes to your cover 6 memo before it is submitted to county council? 7   A The county executive never makes 8 substantive changes, he is quite a stickler for 9 grammar. 10       So he will sometimes place in a coma 11 or words. So, for example, if I write an agency is 12 getting more money, development is getting \$100,000 13 to make loans, the county executive might add 14 because this is the county executive's priority. He 15 will add statements like that that aligns with the 16 strategic plan. 17       They're usually a particular cosmetic 18 changes. 19   Q You said earlier that to prepare for 20 today's deposition you communicated with the seven 21 analysts in the office of budget and management? 22   A That's correct. 23   Q Did you speak with all seven of them? 24   A Yes. 25   Q Okay. And what was your purpose in</p>
<p style="text-align: right;">Page 19</p> <p>1   Q Is there a process by which the county 2 executive, or anyone on the county executive's 3 behalf, reviews and approves your memo before it 4 submits to county council? 5       MR. BADALA: Objection to form. 6   A Absolutely. 7   Q (Mr. Keyes) What is that process? 8   A I prepare the memo and any supporting 9 documents and I will always submit that to Dennis 10 Kennedy who is my supervisor in the county fiscal 11 office, as well as Armond Budish, the county 12 executive for review and approval before I send to 13 council. 14   Q Has that been your practice every year? 15   A Yes, it has absolutely. 16   Q Are there occasions when Mr. Kennedy will 17 requests that you make changes to the cover memo 18 before it is submitted to the county council? 19   A No. 20   Q There has never been a time where 21 Mr. Kennedy has requested that a change be made to 22 the cover memo before it is submitted to the county 23 council? 24   A No. 25   Q Has there been a time where Mr. Budish has</p>	<p style="text-align: right;">Page 21</p> <p>1 reaching out to the seven analysts? 2   A To, I conferred with them to receive 3 confirmation that my understanding of budget revenue 4 was accurate. 5   Q Did you speak with any of the analysts 6 about specific expenses incurred by Cuyahoga County 7 because of the opioid problem? 8       MR. BADALA: Objection to form. 9   A Are you asking solely in preparation for 10 this deposition? 11   Q (Mr. Keyes) Yes. 12   A No, I did not. 13   Q Did you speak with any of the analysts 14 about the categories of expenses incurred by 15 Cuyahoga County because of the opioid problem? 16       MR. BADALA: Objection to form. 17   A No, I did not. 18   Q (Mr. Keyes) Did you speak with any of the 19 analysts about any impact that the opioid problem 20 had on Cuyahoga County's revenues? 21   A No, I did not. 22   Q Did you speak with any of the analysts 23 about any particular expenditures that related to 24 opioid use, misuse, abuse, addiction or deaths? 25       MR. BADALA: Objection to form.</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 A No.</p> <p>2 Q (Mr. Keyes) How much time did you spend</p> <p>3 speaking with these seven analysts?</p> <p>4 A Collectively, probably about an hour.</p> <p>5 Q And that's an hour for your conversations</p> <p>6 with all seven of them?</p> <p>7 A That's correct.</p> <p>8 Q Did you speak with the seven analysts</p> <p>9 together at the same time or individually?</p> <p>10 A Individually.</p> <p>11 Q Can you review with me the names of the</p> <p>12 seven analysts with whom you spoke to prepare for</p> <p>13 today's deposition?</p> <p>14 A Absolutely. Anthony Henderson, Yvonne</p> <p>15 Gibson, Chris Coston, Danielle Clark, Brian Witt,</p> <p>16 Wendy Feinn, F-E-I-N-N and Greg Byer.</p> <p>17 Q What is Anthony's Henderson area of</p> <p>18 specialty?</p> <p>19 A Anthony's assigned agencies include the</p> <p>20 County Medical Examiner, the Court of Common Pleas,</p> <p>21 the Department of Development, the Office of</p> <p>22 Internal Audit, and I believe that's it.</p> <p>23 Q You are reading from a particular</p> <p>24 document?</p> <p>25 A I'm sorry, yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 The third section are county's record</p> <p>2 retention policies specific to each agency.</p> <p>3 The fourth section is an excerpt from</p> <p>4 the complaint that the county filed.</p> <p>5 The fifth is my Notice of Deposition.</p> <p>6 This is what you provided me also this morning.</p> <p>7 And the sixth section identifies the</p> <p>8 topics that I am covering today.</p> <p>9 Q Is there anything else in the binder?</p> <p>10 A No, sir.</p> <p>11 Q Are there any handwritten notes on any of</p> <p>12 the documents in the binder?</p> <p>13 A No.</p> <p>14 Q You were explaining before the areas of</p> <p>15 responsibility for Mr. Henderson?</p> <p>16 A Yes.</p> <p>17 Q You said Medical Examiner, Court of Common</p> <p>18 Pleas, the Department of Development and Internal</p> <p>19 Audit. Does he have any other areas of</p> <p>20 responsibility as a budget analyst?</p> <p>21 A No.</p> <p>22 Q The second person --</p> <p>23 A I'm sorry, Anthony also is our systems</p> <p>24 administrator. So we have budget and reporting</p> <p>25 system that we use. The acronym is BRASS,</p>
<p style="text-align: right;">Page 23</p> <p>1 Q What is that document?</p> <p>2 A I am looking at the county org chart, just</p> <p>3 using this to make sure I'm covering all the</p> <p>4 agencies.</p> <p>5 Q That's in a binder that you brought with</p> <p>6 you to today's deposition?</p> <p>7 A Yes, it is.</p> <p>8 Q Is that a set of materials that you put</p> <p>9 together to assist you in offering testimony on</p> <p>10 these topics today?</p> <p>11 A The county's attorneys put this together</p> <p>12 for me, but these are documents that I requested to</p> <p>13 have available so that I could make sure that I'm</p> <p>14 answering questions.</p> <p>15 Q Did you review the material in the binder</p> <p>16 to prepare for today's deposition?</p> <p>17 A Um, I did.</p> <p>18 Q Can you tell me what is in the binder?</p> <p>19 A Absolutely. So there are six sections of</p> <p>20 this binder. The first section is, um, I'm sorry,</p> <p>21 the first section is the county's response to</p> <p>22 Interrogatory Number 18, and there are two related</p> <p>23 exhibits to that response.</p> <p>24 The second section is the county org</p> <p>25 chart.</p>	<p style="text-align: right;">Page 25</p> <p>1 B-R-A-S-S, and Anthony does maintain that for us.</p> <p>2 Q What do you mean he maintains BRASS?</p> <p>3 A So the county has a financial system, the</p> <p>4 acronym is FAMIS, F-A-M-I-S, and then we have BRASS,</p> <p>5 which is budget and reporting.</p> <p>6 We receive downloaded data FAMIS,</p> <p>7 like actuals of revenue and expenditures that get</p> <p>8 exported into BRASS. Anthony manages those exports.</p> <p>9 Every year BRASS has to be, we have to do like a</p> <p>10 rollover process, which he is doing probably as I</p> <p>11 speak, to close out the previous year and then</p> <p>12 establish the databases for the current year. He</p> <p>13 does all of that work for us.</p> <p>14 If we have any issues, if the system</p> <p>15 goes down, it is not working like it is supposed to,</p> <p>16 that is his area of responsibility.</p> <p>17 Q What are Yvonne Gibson's areas of</p> <p>18 responsibility as a budget analyst?</p> <p>19 A Yvonne Gibson works with the Domestic</p> <p>20 Relations Court, the Prosecutor's Office, the HHS</p> <p>21 Division of Job and Family Services, the HHS</p> <p>22 Division of Child Support Services, the Department</p> <p>23 of Public Justice Services and Public Safety, and I</p> <p>24 believe that's it.</p> <p>25 Q And if I ask you the same question for the</p>



<p style="text-align: right;">Page 26</p> <p>1 other five budget analysts namely, what is the area 2 or areas of responsibility for each, would you also 3 refer to that same work chart? 4 A I likely would, yes. 5 Q Okay. You said you also spoke with 6 Mr. Kennedy to prepare for today's deposition. What 7 was your purpose in speaking with Mr. Kennedy? 8 A Um, excuse me. So I just, I do all the 9 time anyway, would just run things by him to make 10 sure that my understanding is in line with his 11 understanding. That I'm accurate, that I'm not 12 misunderstanding anything, misrepresenting anything. 13 Q So how many times did you speak with 14 Mr. Kennedy then to run things by him and make sure 15 that you're understanding was in line with his 16 understanding in advance of today's deposition? 17 A Specific to this deposition, I believe I 18 only did that one time. 19 Q When? 20 A That I can't recall, I'm sorry. 21 Q Was it within the past week? 22 A No. 23 Q Past two weeks? 24 A Likely, but I can't say specifically. 25 Q For how long did you speak with him?</p>	<p style="text-align: right;">Page 28</p> <p>1 subject. 2 Q Was it, did it have to do with budgeting? 3 A I can't recall. 4 Q Did it have to do with revenues or 5 expenditures? 6 MR. BADALA: Objection to form. 7 A I can't recall. 8 Q (Mr. Keyes) Did it have to do with 9 financial reporting? 10 A I can't recall. 11 Q Did it have to do with any particular 12 agency or department? 13 A I can't recall. 14 Q You can't recall any details? 15 A No, I cannot. 16 Q You do remember you spoke with him? 17 A Yes. 18 Q Okay. You said that as part of your 19 preparation for today's deposition, you reached out 20 to agencies, did I get that right? 21 A That's correct. 22 Q What agencies did you reach out to? 23 A The ADAMHS Board, their business manager 24 is Felicia Harrison. 25 Q What other agencies did you reach out to?</p>
<p style="text-align: right;">Page 27</p> <p>1 A Ten minutes. 2 Q And what was the topic where you were 3 running things by him to make sure you're 4 understanding was in line with his understanding? 5 A I can't recall that, I'm sorry. 6 Q You don't remember the topic? 7 A I don't. 8 Q Can you provide any details at all about 9 your conversation with Mr. Kennedy that you had for 10 the purpose of preparing to testify today where you 11 wanted to make sure that your understanding was the 12 same as his understanding? 13 A I can't. 14 Q When you ran things by him, did he confirm 15 that the two of you had the same understanding or 16 did he have a different understanding? 17 A He confirmed that we had the same 18 understanding. 19 Q Did you learn anything from Mr. Kennedy in 20 this conversation? 21 A No. 22 Q Okay. So you said he confirmed you had 23 the same understanding, same understanding of what? 24 A Again, I can't recall the specifics of 25 what we were talking about. I can't recall the</p>	<p style="text-align: right;">Page 29</p> <p>1 A I did talk to the sheriff's office. Their 2 business manager is Donna Kaleal, K-A-L-E-A-L. 3 Q What other agencies did you reach out to 4 besides the ADAMHS Board and the sheriff's office? 5 A Those are the only two that I can recall 6 specifically that analysts likely would have reached 7 out to some -- they may have reached out to some 8 agencies, but I don't know. 9 Q Was it your idea to reach out to the 10 ADAMHS Board and to the sheriff's office? 11 A It was. 12 Q Or was that something you did at someone 13 else's request? 14 A No, that was my idea. 15 Q Why did you reach out to the ADAMHS Board? 16 A The ADAMHS Board is, they don't have the 17 same relationship to the county that the other 18 agencies and departments have. The office of budget 19 management doesn't, we don't really work with the 20 ADAMHS Board because the county council does not 21 appropriate for the board. 22 Their board of directors has the 23 authority to establish appropriation levels, they 24 get their authority directly from the State of Ohio. 25 So we don't have to work with them as closely as we</p>

<p style="text-align: right;">Page 30</p> <p>1 do because they're not part of our budget.</p> <p>2 The county does give a subsidy to the</p> <p>3 ADAMHS Board totally approximately \$39 million a</p> <p>4 year. So I have an analyst who is assigned to</p> <p>5 ADAMHS Board to manage that subsidy. He will try to</p> <p>6 stay on top of just basics of what's happening at</p> <p>7 the ADAMHS Board, what their needs are, but we just</p> <p>8 don't follow them as closely.</p> <p>9 Most the other agencies I'm looking</p> <p>10 at their revenue and their expenses daily. I don't</p> <p>11 do that for ADAMHS. So I just wanted to double</p> <p>12 check that I have the right understanding of where</p> <p>13 they get their money from, how they're spending</p> <p>14 their money. I don't monitor them as closely as I</p> <p>15 do everybody else.</p> <p>16 Q Who is the budget analyst in your office</p> <p>17 who has the responsibility for the ADAMHS Board?</p> <p>18 A Greg Byer.</p> <p>19 Q You said you spoke with Felicia Harrison</p> <p>20 who business manager for the ADAMHS Board?</p> <p>21 A Yes, she is, yes.</p> <p>22 Q Did you speak with anyone else at the</p> <p>23 ADAMHS Board to prepare for today's deposition?</p> <p>24 A No.</p> <p>25 Q When did you speak with Felicia Harrison?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q And you recall the email reporting that 60</p> <p>2 to 65 percent of the ADAMHS Board's revenue comes</p> <p>3 from the county?</p> <p>4 A That's correct.</p> <p>5 Q And the remainder comes from Ohio and the</p> <p>6 federal government?</p> <p>7 A Federal government/grants, but yes.</p> <p>8 Q What else did this email from</p> <p>9 Miss Harrison say or report?</p> <p>10 A That was it.</p> <p>11 Q And then did you look at any documents as</p> <p>12 you were speaking with Miss Harrison?</p> <p>13 A No.</p> <p>14 Q After your call with Miss Harrison, did</p> <p>15 she send you any documents?</p> <p>16 A No.</p> <p>17 Q Did you send her any documents?</p> <p>18 A No.</p> <p>19 Q So tell me what did you learn during this</p> <p>20 ten minute call with Miss Harrison to prepare for</p> <p>21 today's deposition?</p> <p>22 A Um, that their funding is almost, with the</p> <p>23 exception of some grants, exclusively government</p> <p>24 funding and that the county makes up the majority of</p> <p>25 where they get their revenue. That's that</p>
<p style="text-align: right;">Page 31</p> <p>1 A I can't recall specifically. Within the</p> <p>2 last two weeks.</p> <p>3 Q And did you speak with her in person or</p> <p>4 speak with her over the phone?</p> <p>5 A Phone.</p> <p>6 Q How long did you speak with her?</p> <p>7 A Ten minutes.</p> <p>8 Q Did you send her any documents in advance</p> <p>9 of the call?</p> <p>10 A No, I did not.</p> <p>11 Q Did she send you any documents in advance</p> <p>12 of the call?</p> <p>13 A Felicia sent an email to Greg Byer that</p> <p>14 was forwarded to me that identified their source of</p> <p>15 revenue by percentage. So how much federal, how</p> <p>16 much state, how much county.</p> <p>17 Q What were those percentages according to</p> <p>18 the email from Miss Harrison?</p> <p>19 A The county was within 60 to 65 percent. I</p> <p>20 don't recall the specific break out of the other</p> <p>21 two.</p> <p>22 Q So in this email from Miss Harrison it</p> <p>23 identified three sources of revenue. Cuyahoga</p> <p>24 County, Ohio and the federal government?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 33</p> <p>1 \$39 million subsidy.</p> <p>2 Q Did you learn any in the call with</p> <p>3 Miss Harrison that went beyond what was in this</p> <p>4 email that you had already received from her?</p> <p>5 A No.</p> <p>6 Q And the 60 to 65 percent of its annual</p> <p>7 revenue that comes from Cuyahoga County is typically</p> <p>8 around \$39 million?</p> <p>9 A It has been 39 million for the last</p> <p>10 several years, yes.</p> <p>11 Q And prior to the last several years?</p> <p>12 A It was absolutely higher. So they had</p> <p>13 been in the \$40 million range. We have been cutting</p> <p>14 budgets almost every year since 2008. But we do try</p> <p>15 to provide funding to the ADAMHS Board in light of</p> <p>16 what their mission is.</p> <p>17 Q What does the ADAMHS Board do with the</p> <p>18 \$39 million that Cuyahoga County provides on average</p> <p>19 each year?</p> <p>20 A The county subsidy is largely to cover the</p> <p>21 cost associated with treatment services for both</p> <p>22 mentally ill and individuals that are suffering from</p> <p>23 addiction who are under insured or uninsured. The</p> <p>24 county subsidy also covers Medicare match. So there</p> <p>25 is a requirement if you are drawing down Medicaid</p>

<p style="text-align: right;">Page 34</p> <p>1 dollars, to have a match and the county subsidy is  2 included in that, but largely it is their charity  3 care. Individuals who need behavior health services  4 who don't have insurance, whose coverage doesn't  5 cover what they need will be covered by the subsidy.  6 Q How much of the \$39 million on average is  7 attributable to the Medicaid match?  8 A That I can't say specifically, but it  9 would be nominal at best.  10 Q And the remainder is then used by the  11 ADAMHS Board to cover the cost of treatment for  12 people who are mentally ill or who have addiction?  13 A That's correct.  14 Q Does the ADAMHS Board itself. I'm sorry,  15 were you done?  16 A I'm sorry. I just want to be clear that  17 treatment services can encompass more than just  18 being a psychologist, a therapist. The ADAMHS board  19 will include comprehensive services which includes  20 CPST. I'm totally blanking on the acronym, but  21 that's essentially case management services, housing  22 services, um, some job readiness assistance. We  23 recognize all of those services lead to people  24 living largely self-sufficient lives.  25 So it is not just treatment in the</p>	<p style="text-align: right;">Page 36</p> <p>1 annual, annual plans, look backs so we will look at  2 those, we get them off their website, we'll ask  3 them. But they don't submit as a matter of routine  4 specific reports to the county.  5 Q (Mr. Keyes) If the county executive or  6 the county council asked you what is Cuyahoga County  7 getting for the \$39 million it spends each year on  8 the ADAMHS budget, what would you do to answer that  9 question?  10 MR. BADALA: Objection to form and do you  11 know what topic you are on right now?  12 MR. KEYES: Damages.  13 MR. BADALA: Which topic specifically?  14 MR. KEYES: 11.  15 MR. BADALA: Is it 11? I'm going to  16 object to outside the scope.  17 A I'm sorry, can you repeat the question  18 again?  19 MR. KEYES: Sure.  20 Q (Mr. Keyes) If the county executive or  21 county council asks you what is Cuyahoga County  22 getting for the \$39 million it spends each year on  23 the ADAMHS budget, what would you do to answer that  24 question?  25 MR. BADALA: Same objection.</p>
<p style="text-align: right;">Page 35</p> <p>1 form of I'm coming in for NA, AA, medically  2 assistive treatment, although it does cover that.  3 Q Does the ADAMHS Board itself provide these  4 services or does it distribute funds to third  5 parties to provide the services?  6 A The ADAMHS Board largely distributes  7 funding to a myriad of nonprofit entities throughout  8 the county who provide the direct services.  9 So ADAMHS Board the means by which  10 the dollars get to the agencies that provide  11 services and they're also responsible for overall  12 coordination planning, identifying what the needs  13 are, identifying where gaps are, they provide  14 advocacy services.  15 Q What reports, if any, does the ADAMHS  16 Board provide to Cuyahoga County to account for the  17 services that have been provided for the funding  18 that it received from the county?  19 A The ADAMHS Board does not submit financial  20 reports to the county  21 Q Does it provide any kind of reports on the  22 services that have been provided?  23 MR. BADALA: Objection to form.  24 A Not as a matter of, not as a requirement  25 or as a practice. The ADAMHS Board does prepare</p>	<p style="text-align: right;">Page 37</p> <p>1 A I would first contact ADAMHS directly and  2 ask them that question. And, um, I mean, I would  3 get the response from them because I can't answer  4 that question on my own. I would have to go to the  5 ADAMHS Board.  6 Q (Mr. Keyes) If you were asked that  7 question by the county executive or county council  8 right now, would you be able to answer that  9 question?  10 MR. BADALA: Objection to form. Also  11 object, outside the scope.  12 A I would provide the answer that I gave  13 you, but I would end it with I'm going to contact  14 ADAMHS and ask them directly.  15 Q (Mr. Keyes) And who specifically would  16 you ask at ADAMHS Board?  17 A Likely I would start with Felicia  18 Harrison, who is their business manager, but if the  19 question was coming directly from an elected  20 official, I would contact Scott Osiecki as well.  21 He's the executive director or CEO, I'm not entirely  22 sure of his title, of the ADAMHS board.  23 Q How much of the 39 million dollars that  24 Cuyahoga County pays to the ADAMHS Board each year  25 goes to treating people with mental illness and no</p>

<p style="text-align: right;">Page 38</p> <p>1 addiction issues?</p> <p>2 A I can't answer that question.</p> <p>3 Q How much of the \$39 million that Cuyahoga</p> <p>4 County pays to the ADAMHS Board each year goes to</p> <p>5 treating people who have addiction issues that do</p> <p>6 not involve opioids?</p> <p>7 A I can't answer that question.</p> <p>8 Q How many people each year does the ADAMHS</p> <p>9 Board provide services to who are mentally ill, but</p> <p>10 do not have an addiction problem?</p> <p>11 A I can't answer that question.</p> <p>12 Q How many people each year does the ADAMHS</p> <p>13 Board provide services to who have addiction issues</p> <p>14 that do not involve opioids?</p> <p>15 A I can't answer that question.</p> <p>16 Q What is the reason for the county council</p> <p>17 each year giving \$39 million to the ADAMHS Board?</p> <p>18 MR. BADALA: Objection to form. Outside</p> <p>19 the scope.</p> <p>20 A ADAMHS is the, the ADAMHS Board is the</p> <p>21 overarching behavioral health entity in Cuyahoga</p> <p>22 County. County council and the county executive</p> <p>23 recognize that behavioral health, which includes</p> <p>24 both addiction and mental health services, is in a</p> <p>25 crisis right now and is an underfunded area.</p>	<p style="text-align: right;">Page 40</p> <p>1 they overdose.</p> <p>2 Q (Mr. Keyes) You said for the last several</p> <p>3 years Cuyahoga County has given \$39 million each</p> <p>4 year to the ADAMHS Board, correct?</p> <p>5 A That's correct.</p> <p>6 Q Was that at the county executive's</p> <p>7 recommendation?</p> <p>8 A So the county adopts a biannual budget.</p> <p>9 In 2017 the executive recommended 39 million for</p> <p>10 2018 and 2019.</p> <p>11 In 2015 we were faced with</p> <p>12 significant shortfalls in both our general fund and</p> <p>13 our HHS levy fund, which is supported by two voted</p> <p>14 levies, and that is how we fund the ADAMHS Board.</p> <p>15 We had a shortfalls because our costs were</p> <p>16 increasing largely related to prescription opiates.</p> <p>17 But the county executive in 2015 did recommend to</p> <p>18 cut the subsidy ADAHMS by approximately \$6 million.</p> <p>19 It was a little bit more than 6 million. That is</p> <p>20 what was in the recommended budget.</p> <p>21 And then when we went through the</p> <p>22 budget hearings, the ADAMHS Board came, they</p> <p>23 presented to council, they had a compelling</p> <p>24 presentation and the council restored their subsidy.</p> <p>25 So they were not cut. But that year it was not</p>
<p style="text-align: right;">Page 39</p> <p>1 So the county is committed to</p> <p>2 providing funds to the ADAMHS Board so that people</p> <p>3 who lack resources to seek treatment on their own</p> <p>4 through insurance, through some other source can</p> <p>5 actually get treatment.</p> <p>6 When people, I think it is important</p> <p>7 to keep in mind, I mean, you have been talking to</p> <p>8 the county, so you understand what it is that we do,</p> <p>9 but the county's mandate is largely to deal with the</p> <p>10 end result of when people are in crisis.</p> <p>11 So I'm looking at the justice center</p> <p>12 behind you, our mandate is the jail, our mandate is</p> <p>13 children in foster care. The county is trying with</p> <p>14 limited resources recognizing that we have been</p> <p>15 overwhelms increasing cost of this epidemic to</p> <p>16 provide funding on the front end in the hopes of</p> <p>17 bringing down not only the cost of our mandated</p> <p>18 service, but improving quality of life.</p> <p>19 So when people don't get the mental</p> <p>20 health services they need, they might end up in the</p> <p>21 homeless systems, when they don't get addiction</p> <p>22 services they need, they end up in our jail. And we</p> <p>23 end up having, I mean, we end up having to care for</p> <p>24 them anyway one way or another. Worse case scenario</p> <p>25 they end up in the medical examiner's office when</p>	<p style="text-align: right;">Page 41</p> <p>1 recommended by the executive, or I should say for</p> <p>2 those years.</p> <p>3 Q Okay. So for 2018 and 2019, the executive</p> <p>4 recommended \$39 million, correct?</p> <p>5 A Yes, that's correct.</p> <p>6 Q And what was the county's recommendation</p> <p>7 for 2016 and 2017?</p> <p>8 A Do you mean the executive's recommendation</p> <p>9 or the council.</p> <p>10 Q What was the county executive's</p> <p>11 recommendation for 2016 and 2017?</p> <p>12 A It was approximately 33 or 32 million and</p> <p>13 change, because the cut was a little bit more than</p> <p>14 6 million.</p> <p>15 Q And notwithstanding the county</p> <p>16 executive's recommendation after presentation by the</p> <p>17 ADAMHS Board, the county council decided to keep the</p> <p>18 funding at \$39 million for 2016 and 2017, correct?</p> <p>19 A Yes, we cut other entities to make up for</p> <p>20 the 6 million.</p> <p>21 Q What was the county executive's</p> <p>22 recommendation for ADAMHS funding for 2014 and 2015?</p> <p>23 A Um, I believe it was no cut. That would</p> <p>24 have been Executive Fitzgerald.</p> <p>25 Q When you say no cut, the county executive</p>

<p style="text-align: right;">Page 42</p> <p>1 recommended \$39 million for 2014 and 2015?</p> <p>2 A That's correct.</p> <p>3 Q And did the county council accept that</p> <p>4 recommendation and fund it \$39 million per year</p> <p>5 level for 2014 and 2015?</p> <p>6 A That's correct.</p> <p>7 Q What is the county executive's</p> <p>8 recommendation for 2012 and 2013?</p> <p>9 A I can't remember.</p> <p>10 Q Would that be reflected in the county</p> <p>11 executive's recommended budget?</p> <p>12 A It would be.</p> <p>13 Q You said you don't remember what the</p> <p>14 county executive recommended for 2012 and 2013, what</p> <p>15 was actually appropriated by the county council for</p> <p>16 those two years?</p> <p>17 A That would be identified in the county's</p> <p>18 budget plan, which I know we have turned over. I</p> <p>19 don't recall, it would have been close to 39 million</p> <p>20 because prior to the 39 million, I believe they were</p> <p>21 receiving like 40 million or 41. So we might have</p> <p>22 cut them slightly, but it wasn't as significant as</p> <p>23 when we had to ask them for six.</p> <p>24 Q Earlier you said that for the last several</p> <p>25 years the county has given \$39 million per year to</p>	<p style="text-align: right;">Page 44</p> <p>1 know.</p> <p>2 Q So did she confirm your understanding?</p> <p>3 A That's correct.</p> <p>4 Q And what is your understanding then that</p> <p>5 she confirmed regarding the sources of revenue for</p> <p>6 the sheriff's office?</p> <p>7 A The sheriff's office is supported by a</p> <p>8 handful of revenue sources, the largest of which is</p> <p>9 the county's general fund. General fund derives</p> <p>10 revenue from county sales tax, property tax revenue,</p> <p>11 charges for services. We get some reimbursements</p> <p>12 from the State of Ohio, investment income and then</p> <p>13 some miscellaneous income.</p> <p>14 So all of that combined goes into the</p> <p>15 general fund and then the sheriff's office is a</p> <p>16 general fund entity.</p> <p>17 Q What percentage of the sheriff's --</p> <p>18 MR. BADALA: Were you done sorry?</p> <p>19 Q (Mr. Keyes) -- comes from the general?</p> <p>20 MR. BADALA: I don't think she was done</p> <p>21 with her previous answer.</p> <p>22 A I'm not, but I can work that all in. So</p> <p>23 the sheriff's budget is largely 85 percent general</p> <p>24 fund.</p> <p>25 They also receive approximately two</p>
<p style="text-align: right;">Page 43</p> <p>1 the ADAMHS Board, but before that, it was in the 40s</p> <p>2 if I understood you correctly.</p> <p>3 So when was the funding level for the</p> <p>4 ADAMHS Board in the 40s?</p> <p>5 A I can't recall the specific year. It</p> <p>6 would be in the documents that we have provided.</p> <p>7 Q You said you also reached out to the</p> <p>8 sheriff's office to prepare for today's deposition?</p> <p>9 A That's correct.</p> <p>10 Q Why?</p> <p>11 A Um, the sheriff's office has been hit very</p> <p>12 hard as a result of this opiate epidemic and their,</p> <p>13 the sheriff is our largest in terms of dollars</p> <p>14 entity in the general fund. So they are a bit of a</p> <p>15 beast in the terms of their budget.</p> <p>16 I wanted to confirm again that my</p> <p>17 understanding relative to their sources of revenue,</p> <p>18 which they have very few actually, and their</p> <p>19 expenditures was accurate.</p> <p>20 Q And you spoke with Donna Kaleal, the</p> <p>21 business manager for the sheriff's office?</p> <p>22 A That's correct.</p> <p>23 Q What did you learn from Miss Kaleal about</p> <p>24 the sources of revenue for the sheriff's office?</p> <p>25 A I didn't learn anything I didn't already</p>	<p style="text-align: right;">Page 45</p> <p>1 to two and a half million dollars from the county's</p> <p>2 two voted levies. We have two levies for Health and</p> <p>3 Human Services. One is a 3.9 mil, the other is a</p> <p>4 4.8 mil. We allocate approximately two and a half</p> <p>5 million dollars to the sheriff's office, which</p> <p>6 covers the cost of some of the mental health care in</p> <p>7 the county jail. So that's nurses, medical</p> <p>8 expenses.</p> <p>9 The sheriff's office also receives</p> <p>10 revenue from what we call internal service fund,</p> <p>11 which means they charge other entities for their</p> <p>12 services and that's for the cost of protection and</p> <p>13 security for county owned and operated buildings.</p> <p>14 So these are the security guards. They operate</p> <p>15 under the authority of the county sheriff, and that</p> <p>16 is approximately \$10 million a year.</p> <p>17 And then they have some other nominal</p> <p>18 sources of revenue. We collect fees from</p> <p>19 individuals who are on home detention if they have</p> <p>20 the ability to pay. We collect fees for conceal</p> <p>21 carry applications and licenses, but those are less</p> <p>22 than 1 percent of their budget.</p> <p>23 Q (Mr. Keyes) You said that the sheriff's</p> <p>24 office gets to two and two and a half million dollar</p> <p>25 two vote levies. How does that translate into a</p>



<p style="text-align: right;">Page 46</p> <p>1 percentage of the budget?</p> <p>2 A Maybe three, well, 3 percent.</p> <p>3 Q And you said that the sheriff's office</p> <p>4 receives about \$10 million from the internal</p> <p>5 services fund?</p> <p>6 A 10 to \$11 million that's correct.</p> <p>7 Q How does that translate into percentage of</p> <p>8 the sheriff's office budget?</p> <p>9 A That's approximately 10 percent of their</p> <p>10 budget.</p> <p>11 Q So you say roughly 85 percent of the</p> <p>12 sheriff's budget comes from the general fund, about</p> <p>13 10 percent comes from the internal services fund,</p> <p>14 about 3 percent from the two voted levies and the</p> <p>15 remainders from these nominal fees?</p> <p>16 A That's correct.</p> <p>17 Q And what did you learn from Miss Kaleal</p> <p>18 about the sheriff's offices expenditures?</p> <p>19 A I didn't learn anything that I didn't</p> <p>20 already know.</p> <p>21 Q Did Miss Kaleal confirm your understanding</p> <p>22 of the expenditures?</p> <p>23 A That's correct.</p> <p>24 Q What understanding did she confirm?</p> <p>25 A So the sheriff's office has primarily four</p>	<p style="text-align: right;">Page 48</p> <p>1 in parentheses, that is the law enforcement</p> <p>2 division.</p> <p>3 Q So in that chart where it refers to jail,</p> <p>4 that's referring to the jail division of the</p> <p>5 sheriff's office?</p> <p>6 A That is correct.</p> <p>7 Q And where it refers in that chart to</p> <p>8 sheriff only, that's referring to the law</p> <p>9 enforcement division of the sheriff's office?</p> <p>10 A That is correct.</p> <p>11 Q Is there any listing in that chart for the</p> <p>12 protective services or operations division of the</p> <p>13 sheriff's office?</p> <p>14 A No, there's not.</p> <p>15 Q And did you speak with Miss Kaleal about</p> <p>16 your understanding about how the law enforcement or</p> <p>17 jail divisions of the sheriff's office have incurred</p> <p>18 expenses because of the opioid problem?</p> <p>19 A The jail division, yes.</p> <p>20 Q Did you speak with her about the law</p> <p>21 enforcement division incurring expenses because of</p> <p>22 the opioid problem?</p> <p>23 A No, I did not.</p> <p>24 Q Did you have an understanding about</p> <p>25 whether or how the law enforcement division of the</p>
<p style="text-align: right;">Page 47</p> <p>1 divisions. One of which is the law enforcement</p> <p>2 division, so that's our deputy sheriff's. The other</p> <p>3 is the jail and the jail is the largest division</p> <p>4 within the sheriff's office.</p> <p>5 So when confirming what expenses</p> <p>6 might have been attributed to the opiate epidemic,</p> <p>7 we are largely looking at the jail, and the deputies</p> <p>8 law enforcement division.</p> <p>9 You said sheriff's office has four</p> <p>10 divisions. Are you saying two divisions that did</p> <p>11 not incur expenditures because of the opioid</p> <p>12 problem?</p> <p>13 A The Protective Services Division is one of</p> <p>14 them. And then what we would call operations, which</p> <p>15 is effectively the sheriff himself and the cost of</p> <p>16 their building.</p> <p>17 Q And so is it the county's position that</p> <p>18 the proactive services and operation divisions did</p> <p>19 not incur expenditures because of the opioid</p> <p>20 problem?</p> <p>21 A So if you look at the county's response to</p> <p>22 the Interrogatory Number 2, or 18, I'm sorry.</p> <p>23 Exhibit 2 details what budgets have been affected by</p> <p>24 the opiate epidemic. And the county has identified</p> <p>25 the jail and the sheriff where it says sheriff only</p>	<p style="text-align: right;">Page 49</p> <p>1 sheriff's office has incurred expenses because of</p> <p>2 the opioid problem?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 A Um, the law enforcement division is, those</p> <p>5 are our deputies. Those are the ones who deal with</p> <p>6 criminal investigations, criminal, so they do</p> <p>7 investigations that's our civil, they have a civil</p> <p>8 division as well.</p> <p>9 How these specific numbers were</p> <p>10 derived is not something that the county does. This</p> <p>11 is not something that the county came up with. I do</p> <p>12 not have a specific understanding of what costs in</p> <p>13 the law enforcement division are specifically a</p> <p>14 attributable to the opiate epidemic, no.</p> <p>15 Q (Mr. Keyes) I'm not asking about the</p> <p>16 chart, I'm asking about your understanding. Do you</p> <p>17 have an understanding as to how the law enforcement</p> <p>18 division of the sheriff's office has incurred</p> <p>19 expenses because of the opioid problem?</p> <p>20 A My understanding is that they have</p> <p>21 incurred expenses, yes. But I do not have the</p> <p>22 detail on what those expenses are.</p> <p>23 Q Okay. Even if you don't have the detail,</p> <p>24 can you identify for me the categories of expenses</p> <p>25 that have been incurred by the law enforcement</p>

<p style="text-align: right;">Page 50</p> <p>1 division because of the opioid problem?</p> <p>2 A The category would be personnel expenses,</p> <p>3 law enforcement is that division is 99 percent</p> <p>4 personnel costs. So the cost of the deputies, their</p> <p>5 salary, their benefits, the overtime.</p> <p>6 Q What do these deputies do. You said they</p> <p>7 were involved in investigations?</p> <p>8 A Yes.</p> <p>9 Q What else do they do?</p> <p>10 A Um, I can't tell you exactly what the job</p> <p>11 responsibilities of the deputies are.</p> <p>12 Q Even if you can't tell me exactly, can you</p> <p>13 tell me generally what the deputies do besides being</p> <p>14 involved in investigations?</p> <p>15 A No.</p> <p>16 Q What is the role of the deputies in these</p> <p>17 investigations?</p> <p>18 A I can't answer that question.</p> <p>19 Q Are these criminal investigations?</p> <p>20 A I can't answer that question.</p> <p>21 Q Are these investigations into whether</p> <p>22 people have committed crimes?</p> <p>23 MR. BADALA: Objection, outside the scope.</p> <p>24 A I'm sorry, I can't answer that question.</p> <p>25 Q (Mr. Keyes) Okay. So your understanding</p>	<p style="text-align: right;">Page 52</p> <p>1 of the sheriff's office incurs expenses because of</p> <p>2 the opioid problem?</p> <p>3 A Yes, I do. And actually, if I can just,</p> <p>4 one of the responsibilities of the deputies that I</p> <p>5 do know is transporting prisoners.</p> <p>6 So by law, when prisoners have to be</p> <p>7 transported, it has to be a deputy, has actually to</p> <p>8 be two deputies, it can't be a corrections officer.</p> <p>9 So I do know that there have been costs incurred</p> <p>10 because of the prisoners in the jail when we have to</p> <p>11 take them to outside medical facilities to get their</p> <p>12 treatment, that will be deputies, not correction</p> <p>13 officers.</p> <p>14 So we have seen an increase in</p> <p>15 overtime expenses attributed to the deputies.</p> <p>16 Q You said the deputies are involved in</p> <p>17 transporting prisoners. Are these prisoners who</p> <p>18 have been convicted of a crime?</p> <p>19 MR. BADALA: Objection to form, outside</p> <p>20 the scope.</p> <p>21 A They are not prisoners who have been</p> <p>22 convicted of a crime.</p> <p>23 So the county jail houses prisoners</p> <p>24 who are both pre and post-adjudication. Majority of</p> <p>25 our prisoners are pre-adjudication. They have not</p>
<p style="text-align: right;">Page 51</p> <p>1 is that the law enforcement division of the</p> <p>2 sheriff's office has incurred expenses because of</p> <p>3 the opioid problem, correct?</p> <p>4 A That is my understanding.</p> <p>5 Q That the law enforcement division is</p> <p>6 essentially the personnel of the sheriff's office;</p> <p>7 correct?</p> <p>8 A Well, they're not just the personnel of</p> <p>9 the sheriff's office, but their budget is personnel,</p> <p>10 that's correct.</p> <p>11 Q And that this is the cost of the</p> <p>12 personnel, the deputies?</p> <p>13 A That's correct.</p> <p>14 Q And you know that the deputies are</p> <p>15 involved in investigations?</p> <p>16 A Yes.</p> <p>17 Q But you don't know anything about the</p> <p>18 investigations, correct?</p> <p>19 A That's correct.</p> <p>20 Q And you don't know what the deputies do</p> <p>21 besides they're somehow involved in investigations,</p> <p>22 correct?</p> <p>23 A That's correct.</p> <p>24 Q Okay. And then do you have an</p> <p>25 understanding as to how or whether the jail division</p>	<p style="text-align: right;">Page 53</p> <p>1 been convicted of a crime.</p> <p>2 We do have some prisoners who are</p> <p>3 sentenced to the county jail through what's called a</p> <p>4 local incarceration program, but the majority of</p> <p>5 them, I believe, approximately 80 to 85 percent,</p> <p>6 have not been convicted of any crime.</p> <p>7 Q (Mr. Keyes) Have the other 15 to</p> <p>8 20 percent been convicted of a crime?</p> <p>9 MR. BADALA: Objection to form, outside</p> <p>10 the scope.</p> <p>11 A The other 15 percent have been convicted</p> <p>12 of a crime and they are either serving a sentence in</p> <p>13 our county jail, or they're awaiting transport to a</p> <p>14 prison.</p> <p>15 So they don't always move to the</p> <p>16 prison the day that they're found guilty.</p> <p>17 Q (Mr. Keyes) And the other 80 to</p> <p>18 85 percent of prisoners who are being transported</p> <p>19 are people who have been accused of a crime and are</p> <p>20 awaiting trial?</p> <p>21 MR. BADALA: Objection to form, outside</p> <p>22 the scope.</p> <p>23 A That is correct.</p> <p>24 Q (Mr. Keyes) Okay. So you, you mentioned</p> <p>25 that the deputies in the law enforcement division of</p>

<p style="text-align: right;">Page 54</p> <p>1 the sheriff's office not only are involved in 2 investigations, they are involved in transporting 3 prisoners, correct? 4 A They are, yeah. 5 Q With respect to transporting prisoners, 6 those prisoners are of two types, correct? They are 7 either, you quantify them as 15 to 20 percent of the 8 prisoners. Those are people who have been convicted 9 of a crime and are either serving a sentence or 10 awaiting transfer to some other facility where they 11 will serve their sentence, correct? 12 A That's correct. 13 Q And the 80 to 85 percent of these 14 prisoners who are being transported by deputies are 15 people who have been accused of a crime and are 16 being held as they wait for their trial, correct? 17 A That is correct. 18 Q And what percentage of these prisoners are 19 either accused of or convicted of a drug crime? 20 MR. BADALA: Objection to form. 21 A What topic are we talking about? I'm just 22 unclear. 23 Q (Mr. Keyes) We are talking about damages. 24 A Correct. 25 Q You referred me to this chart.</p>	<p style="text-align: right;">Page 56</p> <p>1 division because of the opioid problem? 2 A So the jail budget is largely comprised, 3 the overwhelming of the expenses are personnel, of 4 course. So, again, that's salaries, wages 5 associated with corrections officers, medical 6 personnel, cooks, some other personnel. 7 And then we have the fixed cost of 8 the facility itself. Medical expenses, which 9 include both the cost of providing health care, 10 inside the jail we have an outfitted clinic. We 11 contract with the Metro Health System to provide 12 physicians and other medical services in the jail. 13 So that's included in their medical line item, as 14 well as the cost of what we refer to as outside 15 medical, which is when we have to take a prisoner. 16 If there is some medical issue that's 17 presenting that we cannot handle in the clinic or it 18 is an emergency, we have to take them to the nearest 19 hospital. 20 That the cost of that outside medical 21 care is captured in the jail budget as well. 22 Q So you have described for me what is in 23 the budget of the jail division of the sheriff's 24 office, correct? 25 A That's correct.</p>
<p style="text-align: right;">Page 55</p> <p>1 A Okay. 2 Q And you said this chart shows the damages. 3 And you said that the line item sheriff only is for 4 this law enforcement division and I'm asking what do 5 the people do in the law enforcement division? 6 A Okay. 7 Q So we are still on topic 11. 8 A Okay. 9 Q Which is damages. 10 So what percentage of these prisoners 11 who are being transported by sheriff's deputies you 12 are either accused of or convicted of a drug crime? 13 A I don't have that data. 14 Q What percentage of these prisoners are 15 either accused of or convicted of a crime involving 16 opiates? 17 A I don't have that data. 18 Q What percentage of these prisoners are 19 either accused of or convicted of a crime based on 20 their use, misuse or abuse of a prescription opioid? 21 MR. BADALA: Objection to form. 22 A I don't have that data. 23 Q (Mr. Keyes) Okay. Turning your attention 24 then to the jail division of the sheriff's office. 25 What expenses have been incurred by the jail</p>	<p style="text-align: right;">Page 57</p> <p>1 Q And so these are the costs incurred by 2 Cuyahoga County in running the jail? 3 A That's correct. They are also the costs 4 incurred by Cuyahoga County as a result of the 5 opiate epidemic because A, the number of people in 6 our jail has increased, and also the medical 7 expenses. The number of inmates presenting to the 8 county jail who are opiate addicted has increased 9 dramatically over the last several years. 10 So that presents a number of issues 11 medically that the county by law is required to deal 12 with. But also for a period of time these inmates 13 were receiving medically assisted treatment. I 14 forget specifically the name of the medicine that 15 they had to be given, but the county was not 16 equipped to do that in the jail. 17 So we were transporting opiate 18 addicted inmates every day to get their treatment 19 and that was extremely expensive. 20 Q Ma'am, I asked you with respect to, listen 21 to the question and answer the question because you 22 are giving me speeches. Now my question was -- 23 MR. BADALA: She has answered your 24 question. 25 Q (Mr. Keyes) These costs occurred by</p>

15 (Pages 54 - 57)



<p style="text-align: right;">Page 58</p> <p>1 Cuyahoga County in running the jail, yes or no,  2 correct. You said that's correct and then you  3 launched into a long answer. We are on the clock  4 here. So with respect, I ask you to listen to the  5 question and answer the question.  6 MR. BADALA: Which she's doing.  7 Q (Mr. Keyes) You have already described  8 the prisoners who are in this jail these two type of  9 prisoners, correct?  10 A That's correct.  11 Q So these are prisoners who by definition  12 are either who have been convicted of a crime and  13 serving a sentence, or have been convicted of a  14 crime and are awaiting transfer to another facility  15 where they can serve out their sentence, or they  16 have been accused of a crime and are a waiting  17 trial, correct?  18 A That's correct.  19 Q And so the prisoners who are at this jail  20 fall into one of those three categories?  21 A That's correct.  22 Q And there is no fourth category?  23 A That's correct.  24 Q Okay. Now, you said that the number of  25 people in the jail has increased because of the</p>	<p style="text-align: right;">Page 60</p> <p>1 Q (Mr. Keyes) What is the percentage of  2 increase in prisoners at the jail who are they  3 because they've been accused of or were convicted of  4 a crime involving illicit opioids?  5 A I don't have that data.  6 Q What is the percentage increase in  7 prisoners at the jail who are there because they've  8 been accused of were convicted of a crime involving  9 their use or misuse or abuse of prescription  10 opioids?  11 MR. BADALA: Objection to form.  12 A I don't have that data.  13 Q (Mr. Keyes) You also said that the costs  14 of providing medical care to prisoners at the jail  15 has increased over time?  16 A That is correct.  17 Q When did those costs increase because of  18 the opioid problem?  19 MR. BADALA: Objection to form.  20 A The county, as I mentioned, the county has  21 identified an impact on our budget going back to  22 2006. That is what is in Exhibit 2. It could have  23 gone back further. We have seen that this has  24 affected our systems and our budget going back to  25 2006, including the jail.</p>
<p style="text-align: right;">Page 59</p> <p>1 opioid problem?  2 A That's correct.  3 Q When did the opioid problem cause the  4 number of the people in the jail to increase?  5 MR. BADALA: Objection to form, outside  6 the scope.  7 A Um, I can't. So the county I know saw  8 that the opiate epidemic was affecting our systems  9 and our budget in 2016.  10 After that time, once we became aware  11 of the issue and the county was connecting the dots,  12 we had traced that impact of this epidemic on our  13 systems and our budget to at least 2006, perhaps  14 earlier. I cannot give you a specific date as to  15 when the number of prisoners increased specific to  16 the opiate epidemic, but I can say that ADP, so the  17 average daily population, the ADP has increased and  18 the number of opiate addicted inmates has increased.  19 Q (Mr. Keyes) What is the percentage  20 increase in prisoners at the jail who are there  21 because they've been accused of or convicted of a  22 drug crime?  23 MR. BADALA: Objection to form.  24 A As I indicated earlier, I don't have that  25 data.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q (Mr. Keyes) What is the percentage  2 increase in the prisoners and jail who are getting  3 medical care because they have an opioid use  4 disorder or an addiction to opioids?  5 MR. BADALA: Objection to form.  6 A I don't have that data, the jail does.  7 Q (Mr. Keyes) What is the percentage  8 increase in the prisoners at the jail who are  9 getting medical care because they have an opioid use  10 disorder or addiction to opioids arising from their  11 use only of prescription opioids?  12 MR. BADALA: Again --  13 A I don't have that data.  14 Q (Mr. Keyes) To answer these questions  15 about the population in the jail the circumstances  16 of the prisoners at the jail, where would you go for  17 that information?  18 A To answer a question like the crimes that  19 they have been accused of?  20 Q The crimes they have been accused of?  21 A Convicted of.  22 Q The reason they're in jail, whether they  23 have medical issue, whether their medical issue is  24 attributable to opioids, whether their medical issue  25 is attributable to their use, misuse or abuse of</p>

<p style="text-align: right;">Page 62</p> <p>1 prescription opioids.</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 Q (Mr. Keyes) Any of those questions, where</p> <p>4 would you go?</p> <p>5 MR. BADALA: Same objection.</p> <p>6 A I have to go to a number of sources to</p> <p>7 determine why the people are in the jail. So the</p> <p>8 charges that have been filed against them would be a</p> <p>9 question for the court.</p> <p>10 The jail does have access to the</p> <p>11 court system. As to what they're medical conditions</p> <p>12 are, the reason for their medical condition, that</p> <p>13 would be a question for the Metro Health facility.</p> <p>14 Q (Mr. Keyes) Are those questions you have</p> <p>15 asked of anyone before today?</p> <p>16 A I have not asked what percentage of people</p> <p>17 are in the jail because of specific crimes. I do</p> <p>18 care, for reporting service I do check in relatively</p> <p>19 routinely on the number of people that are</p> <p>20 pre-adjudication, post-adjudication. Theoretically</p> <p>21 we would like the number to be mostly</p> <p>22 pre-adjudication.</p> <p>23 But for the medical cost, I do ask as</p> <p>24 well because it informs not only, you know, why our</p> <p>25 projections are what they are in terms of what</p>	<p style="text-align: right;">Page 64</p> <p>1 to answer any of those questions?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 Q (Mr. Keyes) To identify costs that are</p> <p>4 specific to opioids or specific to the use, abuse or</p> <p>5 misuse or prescription opioids?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A No, that's not the county's business.</p> <p>8 That's not what we do on a day-to-day basis. So,</p> <p>9 no, we have not done that.</p> <p>10 MR. BADALA: Sorry, just before you start</p> <p>11 we have gone over an hour now. Do you need a break?</p> <p>12 MR. KEYES: We can take a break in a</p> <p>13 moment, but let me just follow up on a question or</p> <p>14 something you said before about preparing forecasts</p> <p>15 for the county executive and the county council?</p> <p>16 A Uh-huh.</p> <p>17 Q (Mr. Keyes) How often do you prepare</p> <p>18 these forecasts?</p> <p>19 A We prepare and publish forecasts on a</p> <p>20 quarterly basis. So those are formal because we</p> <p>21 produce books.</p> <p>22 More informally we prepare forecasts</p> <p>23 on a monthly basis and then we will also prepare</p> <p>24 them as needed if an elected official, a director,</p> <p>25 anybody comes to me and says, hey, look at this.</p>
<p style="text-align: right;">Page 63</p> <p>1 they're spending, but helps us make a determination</p> <p>2 of whether this is going to continue.</p> <p>3 But my job largely is to manage the</p> <p>4 budget in a sense we do monitor, we do cost</p> <p>5 projections, but part of my job is to do forecasting</p> <p>6 to inform the elected officials here is where we are</p> <p>7 going to stand at the end of the year. Here is what</p> <p>8 you are going to have for next year. Here is what</p> <p>9 you are going to have four years from now.</p> <p>10 So included in that is to try to</p> <p>11 understand what are our costs and why are they</p> <p>12 higher in the jail, how come the deputies are</p> <p>13 working so much overtime, is this going to last</p> <p>14 forever.</p> <p>15 So I do ask those questions, but not</p> <p>16 really to the level of detail that you are asking me</p> <p>17 today.</p> <p>18 Q As far as you know, has anyone undertaken</p> <p>19 to answer those questions?</p> <p>20 A Um, I believe that the county attorneys</p> <p>21 are looking into that and working with experts to</p> <p>22 answer those questions.</p> <p>23 Q Separate from the county's attorneys in</p> <p>24 this lawsuit working with experts in this lawsuit,</p> <p>25 has anyone at the county ever otherwise undertaken</p>	<p style="text-align: right;">Page 65</p> <p>1 You know, we can can do it on demand, but the</p> <p>2 analysts are looking at it more informally on a</p> <p>3 monthly basis and then formally we do very extensive</p> <p>4 review.</p> <p>5 Q Have any of the forecasts that you have</p> <p>6 prepared to date looked at the projected future</p> <p>7 costs to be incurred by Cuyahoga County because of</p> <p>8 the opioid problem or epidemic?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 A Yes. So we do take into consideration the</p> <p>11 impact that this epidemic has had on Cuyahoga County</p> <p>12 and we have extrapolated that out to future years.</p> <p>13 For example, the number of children</p> <p>14 in foster care has increased quite significantly</p> <p>15 over the last several years.</p> <p>16 We are not assuming that we've</p> <p>17 plateaued. So we are not assuming that we are going</p> <p>18 to go down again. So our forecasts assumes we are</p> <p>19 going to spend slightly more than we have been</p> <p>20 spending over the last several years because we</p> <p>21 think we are going to keep rising.</p> <p>22 Similarly the medical examiner, they</p> <p>23 have pathologists on staff, we have forecasted in</p> <p>24 previous years that we're going to have to add a</p> <p>25 pathologist because the number of autopsies has kept</p>

<p style="text-align: right;">Page 66</p> <p>1 rising. And according to the medical examiner's 2 data, it is directly attributed to the opioid 3 epidemic. And we have since hired a new 4 pathologist. So two years ago we were assuming we 5 were going to probably have to do that, it is 6 included in our forecasts, yes. 7 MR. BADALA: Just before we go again, do 8 you need a break? We have been going over an hour. 9 A I would like a break. 10 MR. BADALA: So we can go off the record. 11 THE VIDEOGRAPHER: It is 10:28 time, we 12 are going off 10:22, going off the record. 13 (Recess) 14 THE VIDEOGRAPHER: It is 10:39. We are 15 back on the record. 16 MR. BOEHM: I wasn't in the room when we 17 started the deposition, I am just noting my 18 presence. Paul Boehm from Williams and Connolly for 19 Cardinal. 20 Q (Mr. Keyes) Miss Keenan, did you reach 21 out to any other agencies besides the ADAMHS Board 22 and sheriff's office to prepare for your testimony 23 today? 24 A No. 25 Q Did you review any deposition transcripts</p>	<p style="text-align: right;">Page 68</p> <p>1 (Deposition Exhibit Number 2 2 marked for identification.) 3 Q (Mr. Keyes) I'm going to ask you to pass 4 that binder. We will mark that as Exhibit 2. 5 Prior to the break you were 6 describing forecasts that you prepare either on a 7 quarterly or monthly basis for the county executive 8 and the county council, correct? 9 A Yes. 10 Q Do any of those forecasts specifically 11 discuss the expenses that you anticipate Cuyahoga 12 County will incur in the future because of the 13 opioid problem? 14 A Um, documents that go along with the 15 forecasts discuss categories of expenses that are 16 related to the opiate epidemic, but as I've said 17 before, the county is not in the position to 18 identify, you know, what specific costs can be 19 attributed to prescription opiates, so no. 20 But we do discuss environmental 21 factors and that's one of them that would be 22 included. 23 Q You referenced the opioid epidemic a 24 number of times. When did the opioid epidemic start 25 in Cuyahoga County?</p>
<p style="text-align: right;">Page 67</p> <p>1 to prepare for today's deposition testimony? 2 A No, I did not. 3 Q Did you read your own transcript of your 4 testimony from last month? 5 A No, I did not. 6 Q Separate from preparing for today's 7 deposition, have you read that transcript? 8 A No. 9 Q Did you you read the transcript of anyone 10 else's testimony in this case? 11 A No. 12 Q Did you review any other documents besides 13 the budget documents you previously described? 14 A To prepare for this deposition? 15 Q Yes. 16 A No. 17 Q Did you speak with anyone else besides the 18 people you have already identified to prepare for 19 today's deposition? 20 A No. 21 Q Did you take any notes as you prepared for 22 today's deposition, either as you met with the 23 lawyers, as you spoke with budget analysts or people 24 from certain agencies, or as you reviewed documents? 25 A No.</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. BADALA: Objection to form, outside 2 the scope. 3 A The county has identified an impact on its 4 systems and budgets going back to 2006, could be 5 further. The county is not in the position to 6 identify a date of when the epidemic started. 7 Q (Mr. Keyes) So the opioid epidemic 8 started at least by 2006? 9 MR. BADALA: Objection to form, 10 mischaracterizes the testimony. 11 A The county recognized that the opiate 12 epidemic had an impact on the systems and budgets 13 beginning at least in 2006, yes. 14 Q (Mr. Keyes) What was the peak of the 15 opioid epidemic in Cuyahoga County? 16 A The county is not saying that we've 17 reached the peak, we don't know. 18 Q What has the peak been between 2006 and 19 present? 20 MR. BADALA: Objection to form, outside 21 the scope. 22 A I don't have that data. I think the peak, 23 first of all, how is that defined. Is it defined by 24 the number of deaths, is it defined by the number of 25 children we take from their parents who are ill</p>

<p style="text-align: right;">Page 70</p> <p>1 equipped to care for them. Is it defined by the 2 number of opiate addicted inmates we have. I don't 3 understand the question. 4 So I can't answer the question 5 because I don't know which data source you are 6 referring to. 7 Q (Mr. Keyes) Were there more deaths from 8 overdoses on opioids in 2017 or 2016? 9 MR. BADALA: Objection to form, outside 10 the scope. 11 A I don't have that data memorized, so I 12 don't know. 13 Q (Mr. Keyes) Were there more deaths from 14 overdose on opioids in 2016 or 2015? 15 MR. BADALA: Objection, outside the scope. 16 A Again, I didn't review deaths. My topics 17 are specific to county revenue and expenses of the 18 county org chart. So I did not review autopsy data. 19 Q (Mr. Keyes) Were there more overdoses on 20 opioids in 2017 or 2016? 21 MR. BADALA: Objection, outside the scope. 22 A I believe you asked me that, I don't know 23 the answer. 24 Q (Mr. Keyes) I asked before about deaths, 25 now I'm asking about overdoses. Overdoses don't</p>	<p style="text-align: right;">Page 72</p> <p>1 overdoses compares from year to year, correct? 2 MR. BADALA: Objection, outside the scope. 3 A Not without seeing the data, no. 4 Q (Mr. Keyes) You don't know how the number 5 of deaths from overdoses compares from year to year? 6 MR. BADALA: Same objection. 7 A I need to see the data. 8 Q (Mr. Keyes) Do you know how 2018 compares 9 to prior years, either in terms of the number of 10 projected overdoses or the number of projected 11 deaths from overdose? 12 MR. BADALA: Again, objection, outside the 13 scope. 14 A It is my understanding that the number of 15 projected deaths based on the data available to us 16 at the time indicates that the 2018 number is less 17 than the previous year, 2017. 18 Q (Mr. Keyes) What is your basis for saying 19 that? 20 A That has been reported. 21 Q By whom or what? 22 A By the county. So the medical examiner 23 has provided data and the county reported that 24 publicly. 25 Q You are aware of the reports that the</p>
<p style="text-align: right;">Page 71</p> <p>1 necessarily lead to death, correct? 2 A Yes, I understand that. 3 Q My question was, were there more overdoses 4 on opioids in 2017 or 2016? 5 MR. BADALA: Objection, outside the scope, 6 which topic? 7 A Again, I didn't review that. That's not 8 one of my topics. 9 Q (Mr. Keyes) Were there more overdoses on 10 opioids in 2016 or 2015? 11 MR. BADALA: Objection, outside the scope. 12 Which topic are we on? 13 MR. KEYES: We are still on damages, 14 right. We are trying to understand what damages the 15 county is claiming resulted from the opioid problem. 16 She has identified the opioid problem as an opioid 17 epidemic. So I'm trying to understand from the 18 county's perspective what was the course of the 19 opioid epidemic. You said it started in 2006 or 20 earlier and you weren't able to identify the peak 21 because you didn't know what criteria. Now I'm 22 going through some potential criteria to identify 23 what the peak of this opioid epidemic has been in 24 Cuyahoga County. If you don't know, you don't know. 25 So you don't know how the number of</p>	<p style="text-align: right;">Page 73</p> <p>1 medical examiner's office periodically issues with 2 projected overdoses and projected deaths from 3 overdoses, correct? 4 MR. BADALA: Objection, outside the scope. 5 A That's correct. 6 Q (Mr. Keyes) And so are you referring to 7 that medical examiner's recent report projecting 8 that the number of overdoses and deaths from 9 overdoses from opioids will be lower in 2018 than it 10 was in 2017? 11 A I'm not specifically referring to that 12 report. I'm referring to statements that the county 13 has made and there have been, there was an article 14 in the newspaper because the county made a public 15 statement. 16 I know that the medical examiner 17 informed the county's public statements, but I have 18 not seen, um, the reports that you are talking 19 about. 20 Q Has the county experienced the heroin 21 epidemic? 22 MR. BADALA: Objection to form. 23 A The county has experienced a heroin 24 epidemic that it believes coincides with and is the 25 result of the prescription opiate epidemic, yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q (Mr. Keyes) Okay. So it is the county's 2 position that the heroin epidemic begin as early as 3 2006?</p> <p>4 MR. BADALA: Objection to form, 5 mischaracterizes testimony, also outside the scope.</p> <p>6 A The county's position is that the 7 prescription opiate epidemic occurred at least going 8 back as far as 2006. The county's position is that 9 heroin abuse is the result of prescription opiates.</p> <p>10 Q (Mr. Keyes) So is it the county's 11 position that the heroin epidemic began as early as 12 2006, heroin epidemic?</p> <p>13 MR. BADALA: Objection to form, same 14 objection.</p> <p>15 A The county's position is that the opiate 16 epidemic started in 2006. The county does not have 17 a position on specifically when the heroin epidemic 18 started. We recognize that they are all part of the 19 same problem.</p> <p>20 Q (Mr. Keyes) The county does not have a 21 position as to when the heroin epidemic started, did 22 I hear you correctly?</p> <p>23 A The county has a position when the opiate 24 epidemic started.</p> <p>25 Q I understand, but my question is about the</p>	<p style="text-align: right;">Page 76</p> <p>1 down.</p> <p>2 I can't pinpoint for you specifically 3 which drugs.</p> <p>4 Q (Mr. Keyes) Has Cuyahoga County 5 experienced a Fentanyl epidemic?</p> <p>6 MR. BADALA: Objection, outside the scope.</p> <p>7 A The county includes Fentanyl in its 8 description of prescription opiates, yes.</p> <p>9 Q (Mr. Keyes) So has Cuyahoga County 10 experienced a Fentanyl epidemic?</p> <p>11 MR. BADALA: Same objection.</p> <p>12 A Yes, because it recognizes that Fentanyl 13 is included in the prescription opiate epidemic.</p> <p>14 Q (Mr. Keyes) When did the Fentanyl 15 epidemic start?</p> <p>16 MR. BADALA: Same objection.</p> <p>17 A I'm going to have to give the same answer, 18 that the county has identified 2006, if not earlier, 19 as the time when the opiate epidemic, which includes 20 Fentanyl, heroin, affected its systems and its 21 budget.</p> <p>22 Q (Mr. Keyes) Okay. Has Cuyahoga County 23 experienced the carfentanil epidemic?</p> <p>24 MR. BADALA: Objection, outside the scope.</p> <p>25 A Carfentanil is included in the opiate</p>
<p style="text-align: right;">Page 75</p> <p>1 heroin epidemic. Am I hearing you correctly that 2 the Cuyahoga County does not have a position as to 3 when the heroin epidemic started?</p> <p>4 MR. BADALA: Objection to form, outside 5 the scope.</p> <p>6 A The county recognizes that they are one in 7 the same. So the answer is 2006.</p> <p>8 Q (Mr. Keyes) Okay. What was the peak of 9 the heroin epidemic?</p> <p>10 MR. BADALA: Objection to form, outside 11 the scope.</p> <p>12 A The county doesn't know that we have 13 reached the peak.</p> <p>14 Q (Mr. Keyes) Has the medical examiner's 15 office recently issued projections showing that the 16 number of overdoses and the number of deaths from 17 heroin is projected to be lower in 2018 than it was 18 in 2017?</p> <p>19 MR. BADALA: Objection, outside the scope.</p> <p>20 A I haven't seen the medical examiner's 21 report, so I can't say definitively that the number 22 of deaths related specific to heroin, prescription 23 opiates are down.</p> <p>24 I do know as I indicated earlier that 25 the number of overdose deaths related to opiates are</p>	<p style="text-align: right;">Page 77</p> <p>1 epidemic.</p> <p>2 Q (Mr. Keyes) So if I understand you 3 correctly, Cuyahoga County does not distinguish 4 between opioids, heroin, Fentanyl or carfentanil 5 when it comes to the epidemic, correct?</p> <p>6 MR. BADALA: Objection, outside the scope.</p> <p>7 A So to be clear, the county certainly does 8 make that distinction in like the medical examiner's 9 office. They do track all of those separately, but 10 when the county refers to the opiate epidemic that 11 is plaguing us, yes, it includes all of those.</p> <p>12 Q (Mr. Keyes) And you said that epidemic 13 started as early as 2006, perhaps before 2006, 14 correct?</p> <p>15 A That's correct.</p> <p>16 Q That at least as early 2006 that epidemic 17 had an impact on the county system then budgets, 18 correct?</p> <p>19 A That's correct.</p> <p>20 Q And that impact was a negative impact, 21 correct?</p> <p>22 A Yes.</p> <p>23 Q And that negative impact included causing 24 Cuyahoga County to spend money because of that 25 epidemic, correct?</p>



<p style="text-align: right;">Page 78</p> <p>1 A Absolutely.</p> <p>2 Q As early as 2006 and perhaps before?</p> <p>3 A Absolutely.</p> <p>4 (Deposition Exhibit Number 3</p> <p>5 marked for identification.)</p> <p>6 Q (Mr. Keyes) Showing you what has been</p> <p>7 marked as Keenan 30 (b)(6) Exhibit Number 3.</p> <p>8 This is Cuyahoga County's Second</p> <p>9 Supplemental Responses to Defendants Interrogatory</p> <p>10 Number 18.</p> <p>11 Do you see that on the front page?</p> <p>12 A Yes.</p> <p>13 Q And this is identical to what is tab one</p> <p>14 in the binder you brought to today's deposition,</p> <p>15 which we marked as Exhibit 2, correct?</p> <p>16 A I'd have to review the document entirely</p> <p>17 to see if it is identical.</p> <p>18 Q Well, it has the same title, correct?</p> <p>19 A Well, it does.</p> <p>20 Q Same number of pages?</p> <p>21 A I haven't gone through every number of</p> <p>22 pages yet.</p> <p>23 Q Okay. Well, I will represent to you it is</p> <p>24 the same and you can use either what has been marked</p> <p>25 as Exhibit 3 or you can use what is included in tab</p>	<p style="text-align: right;">Page 80</p> <p>1 Investigation of both its past and</p> <p>2 ongoing costs, expenditures, damages, loss or harms</p> <p>3 caused by defendant is ongoing. County is seeking</p> <p>4 past and ongoing lost tax revenue in the amount of</p> <p>5 approximately 850 million. That's not reflected on</p> <p>6 this chart that you've provided to me in Exhibit 2.</p> <p>7 Treble damages or reasonable</p> <p>8 attorney's fees, maximum amount of punitive damages,</p> <p>9 again, not covered here. Recovery of costs imposed</p> <p>10 on it by the defendants' conduct abatement.</p> <p>11 Q So you are reading from the list of</p> <p>12 categories on page eight?</p> <p>13 A I am.</p> <p>14 Q Let's stick with the first category.</p> <p>15 MR. BADALA: Were you done with your</p> <p>16 answer? You asked the question. Were you done with</p> <p>17 the answer?</p> <p>18 A Well --</p> <p>19 MR. KEYES: I don't need you to read the</p> <p>20 document out loud to me.</p> <p>21 A Okay.</p> <p>22 MR. BADALA: Are you done with your</p> <p>23 answer? Only if you are done.</p> <p>24 A Yeah, I'm done with my answer, but I want</p> <p>25 to be clear.</p>
<p style="text-align: right;">Page 79</p> <p>1 one of your binder, but I ask you to turn to the</p> <p>2 chart that you referenced earlier.</p> <p>3 A Exhibit 2.</p> <p>4 Q Yes.</p> <p>5 A Okay.</p> <p>6 Q So this is Exhibit 2 to Cuyahoga County's</p> <p>7 Second Supplemental Responses to Interrogatory</p> <p>8 Number 18, correct?</p> <p>9 A Yes.</p> <p>10 Q Which document we have marked in this</p> <p>11 deposition as Exhibit 3, so the labeling is somewhat</p> <p>12 confusing. But this is a chart prepared on behalf</p> <p>13 of Cuyahoga County, correct, identifying its claimed</p> <p>14 damages in this case, correct?</p> <p>15 A These are a portion of the claimed</p> <p>16 damages, they are not an exhaustive list, but yes,</p> <p>17 these are damages that the county is claiming.</p> <p>18 Q So we are on the same page, what damages</p> <p>19 is Cuyahoga County claiming that are not reflected</p> <p>20 in this chart?</p> <p>21 A So in this same document that you provided</p> <p>22 to me, on page seven the county discusses its</p> <p>23 damages that it is seeking in this case, which</p> <p>24 reflects both past damages from at least 2006 to</p> <p>25 present and ongoing damages for at least ten years.</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. KEYES: Okay.</p> <p>2 A That is not an exhaustive list of what the</p> <p>3 county council is seeking.</p> <p>4 Q (Mr. Keyes) Let's stay with page seven.</p> <p>5 A Okay.</p> <p>6 Q Of Exhibit 3 which says, plaintiff also</p> <p>7 seeks the following quote, "past and ongoing loss</p> <p>8 tax revenue in the amount of approximately</p> <p>9 \$850 million."</p> <p>10 Do you see that language?</p> <p>11 A I do.</p> <p>12 Q Did you calculate that figure?</p> <p>13 A No, I did not.</p> <p>14 Q Who did?</p> <p>15 A Um, this figure was calculated by, I</p> <p>16 believe the county's attorneys were working with</p> <p>17 experts to come up with this computation.</p> <p>18 Q What information did you provide to the</p> <p>19 lawyers or the experts such that they could arrive</p> <p>20 at this figure?</p> <p>21 A The documents that I provided are</p> <p>22 identified in Exhibit 1 of this response to</p> <p>23 Interrogatory Number 18. I can't really translate</p> <p>24 what these bates number means, but they include the</p> <p>25 county's annual financial statements, the county</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 budget plans, the county recommended budget books 2 and some other financial reports. 3 Q Which of those documents were used by the 4 attorneys or the experts to arrive at an 5 \$850 million figure for quote, "past and ongoing 6 loss tax revenue"? 7 A I can't answer that. I wasn't part of the 8 calculation. 9 Q Have you undertaken yourself to calculate 10 the tax revenue that Cuyahoga County lost because of 11 the opioid problem? 12 A No, I have not. That's beyond the scope 13 of what the county has done. 14 Q Have you asked anyone else to do such a 15 calculation? 16 A The county has asked its lawyers to do 17 that, but nobody else suffered from that. 18 Q Have you asked anyone else to do such a 19 calculation? 20 A No, I have not. 21 Q To your knowledge, has anyone, besides the 22 county lawyer and experts in this case, undertaken 23 to calculate what tax revenue has been lost as a 24 result of the opioid problem? 25 A Not to my knowledge, no.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q Who does have that data? 2 A The county treasurer. 3 Q What specific data does the county 4 treasurer have? 5 A The county treasurer is responsible for, 6 they mail the tax bills and they collect the taxes. 7 So through their system, which the 8 acronym is MVP, and I'm sorry I don't know what that 9 stands for. We can determine which properties are, 10 if that's what you're asking, which properties are 11 delinquent in paying their property taxes. 12 Q No, I'm not asking about which properties 13 are delinquent -- 14 A I'm sorry. 15 Q I'm asking which property generated 16 property tax revenue in the past, but are not 17 generating property tax revenue now, for any reason? 18 A Um, I'm honestly, I cannot definitively 19 say they can query that in MVP. I'm guessing they 20 can, but they would have to know the date, you know, 21 when you say they generated it in the past. What 22 date are you referring to and then now. I assume 23 you are talking about 2008. We need to know the 24 dates, I'm sorry, but I'm not sure that MVP can, 25 that you can query saying show me every property. I</p>
<p style="text-align: right;">Page 83</p> <p>1 Q This figure of 850 million is for past and 2 ongoing lost tax revenue. 3 Do you see that? 4 A I do. 5 Q How much of that 850 million is past lost 6 tax revenue? 7 A I don't have that data. 8 Q How much of that 850 million is ongoing 9 tax revenue that's lost? 10 A I don't have that data either. 11 Q What tax revenue is included in this 12 \$850 million figure? 13 A It is my understanding that this is 14 property tax revenue. 15 Q Do you have an understanding of any other 16 types of tax revenue is included in this figure? 17 A Not to my knowledge, no. 18 Q How many properties in Cuyahoga County 19 generated property tax in the past, but are no 20 longer generating property tax? 21 A I don't have have that data. 22 Q Which properties in Cuyahoga County are no 23 longer generating property tax even though they did 24 in the past? 25 A I don't have that data.</p>	<p style="text-align: right;">Page 85</p> <p>1 I think you would have to look it up by parcel number, 2 which is how we identify properties in the county. 3 Q Because each property has a unique parcel 4 numbers, correct? 5 A They do, that's correct. 6 Q So you could look for each period of time 7 for each parcel number what property tax had been 8 collected or not? 9 A That's correct. 10 MR. BADALA: Objection, outside the scope. 11 Q (Mr. Keyes) You mentioned that one reason 12 why a property may not be generating property tax 13 revenue now, even though it did in the past, is 14 because the property owner is delinquent in making 15 payments, correct? 16 A Yes. 17 Q Are there other reasons why a property may 18 no longer be generating property tax for Cuyahoga 19 County, even though it did in the past? 20 MR. BADALA: Objection, outside the scope. 21 A Yes. 22 Q (Mr. Keyes) What are those reasons? 23 A The property could have received an 24 abatement, a tax abatement. That's a tool that 25 cities use largely as an economic development tool.</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 The property also could have gone 2 from taxable to not taxable as a result of 3 charitable status. For example, in the last couple 4 of years we have had properties owned by the 5 Cleveland Clinic that went from taxable to 6 nontaxable. So previously those properties would 7 have been generating property taxes, but if you look 8 today, they're not. 9 Q Any other reasons you can identify? 10 A Not off the top of my head, but I'm not 11 the county treasurer. 12 Q And are there additional reasons why 13 properties that generated greater property tax in 14 the past are now generating less property tax? 15 MR. BADALA: Objection, outside the scope. 16 A I don't believe I have provided any 17 reasons why they would be generating less property 18 tax. 19 Q (Mr. Keyes) Right. You have given me 20 reasons so far why a property may have generated 21 property tax in the past. 22 A Right. 23 Q But is no longer generating property tax, 24 correct? 25 A Right.</p>	<p style="text-align: right;">Page 88</p> <p>1 generating less property tax now than they did in 2 the past, correct? 3 MR. BADALA: Objection to form, outside 4 the scope. 5 A Yes, that is correct. 6 Q (Mr. Keyes) And what are the reasons why 7 that could happen? 8 A Um, it could be a result of the properties 9 value decreasing. So as an example, five years ago 10 a property had on it a large commercial building 11 that was profitable, profitability is part of the 12 calculation when you are calculating commercial 13 property taxes or property values. And now if the 14 property is dormant or the building has been 15 demolished or in is complete disrepair, the value of 16 the property likely will have gone down. Therefore, 17 the tax receipts are going to go down assuming that 18 the owner is still paying taxes. 19 Um, that's really the only reason I 20 can think of is that the value of the property has 21 decreased. 22 Q And you have identified several reasons 23 why the assessed value for a particular property 24 could go down, correct? 25 MR. BADALA: Objection, outside the scope.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q You have identified, I think, three 2 reasons, correct? You said number one, because the 3 property owner may be delinquent in paying, correct? 4 A That's correct. 5 Q A second reason is there may be abatement 6 where the county has made the decision to give the 7 property owner tax relief that excuses it from 8 paying property tax for some period of time? 9 A Yes, but if I can just correct you, it is 10 not the county that makes that decision, it is the 11 cities. 12 Q So the cities can do that? 13 A That's correct. 14 Q And the third reason you gave me is that a 15 decision could have been made to convert the 16 property status from taxable to nontaxable? 17 A That's correct. 18 Q Are there any other reasons you can 19 identify sitting here now why a property that 20 generated property tax in the past is no longer 21 generating property tax? 22 A No, not to my knowledge. 23 Q Okay. Then separate from a property going 24 from generating property tax to not generating 25 property tax, you could have properties that are</p>	<p style="text-align: right;">Page 89</p> <p>1 Q (Mr. Keyes) You said the property -- 2 A Yeah, yeah. 3 Q The property could have been demolished? 4 A That's correct. 5 Q You said it could have be dormant? 6 A That's correct. 7 Q And for a commercial property, the 8 profitability of the property could go down? 9 A You're right, that's correct. 10 Q So those are multiple reasons why 11 particular properties could have a lower assessed 12 valuation than they did in the past? 13 A Yes, that's correct. 14 Q Are there also economic factors that can 15 cause the assessed valuation of properties for 16 entire areas to go down? 17 MR. BADALA: Objection, outside the scope. 18 A That's correct. 19 Q (Mr. Keyes) What are those reasons or 20 factors? 21 A When the county does its appraisal, the 22 appraise values do have to fall in line with what 23 the State of Ohio would have. They identify kind of 24 the low and the high. What we come up with does 25 have to fall within here, otherwise, we have issues</p>



<p style="text-align: right;">Page 90</p> <p>1 with the state.</p> <p>2 And so the overall economic condition</p> <p>3 of the county is taken into consideration. Now, I</p> <p>4 cannot provide you more detail than that. I don't</p> <p>5 do the appraisals, but certainly if the City of</p> <p>6 Cleveland, you know, we lose our major businesses</p> <p>7 that are headquartered here, we lose overall</p> <p>8 economic activity, that's likely going to be</p> <p>9 reflected in the value of our property, that's</p> <p>10 correct.</p> <p>11 Q Did Cuyahoga County experience the great</p> <p>12 recession?</p> <p>13 MR. BADALA: Objection, outside the scope.</p> <p>14 A We did.</p> <p>15 Q (Mr. Keyes) When?</p> <p>16 A Um, we started experiencing, well, we</p> <p>17 started to cut budgets beginning in 2008.</p> <p>18 Q And when did the great recession end in</p> <p>19 Cuyahoga County?</p> <p>20 MR. BADALA: Objection, outside the scope.</p> <p>21 A That's not a question, that's a question</p> <p>22 for an economist, that's not a question I can</p> <p>23 answer.</p> <p>24 Q (Mr. Keyes) Did the great recession have</p> <p>25 adverse economic impacts on Cuyahoga County?</p>	<p style="text-align: right;">Page 92</p> <p>1 property tax, correct?</p> <p>2 A That's correct.</p> <p>3 Q Any other adverse economic impacts that</p> <p>4 the great recession had on Cuyahoga County's sources</p> <p>5 of revenue?</p> <p>6 MR. BADALA: Objection, outside the scope.</p> <p>7 A Um, so yes. One of our sources of</p> <p>8 revenue, a relatively large source of revenue is</p> <p>9 investment income. When I started with the county</p> <p>10 back in 2006, we were earning approximately</p> <p>11 \$35 million a year in investment income on our</p> <p>12 overall portfolio.</p> <p>13 In the last couple years our income</p> <p>14 went down. One year we had negative earnings. This</p> <p>15 past year we generated approximately 15 million, but</p> <p>16 we're down substantially from where we were in the</p> <p>17 past.</p> <p>18 Also the county receives</p> <p>19 approximately, in today's amounts about \$19 million</p> <p>20 a year from the local government fund, which comes</p> <p>21 from the State of Ohio, and that's a percentage of</p> <p>22 all taxes collected. And when times are tough,</p> <p>23 people don't always pay their taxes.</p> <p>24 Again, when I started back in 2006 in</p> <p>25 the county, we were getting an allocation of about</p>
<p style="text-align: right;">Page 91</p> <p>1 MR. BADALA: Objection, outside the scope.</p> <p>2 A Absolutely.</p> <p>3 Q (Mr. Keyes) What were those adverse</p> <p>4 economic impacts?</p> <p>5 MR. BADALA: Same objection.</p> <p>6 A That affected the county's, so it affected</p> <p>7 the county in two ways. One is on our sources of</p> <p>8 revenue and the other would be on our expenditures.</p> <p>9 As it relates to revenue, we saw</p> <p>10 lower than, either a decrease in our sales tax</p> <p>11 revenue or an increase in sales tax revenue that was</p> <p>12 less than the State of Ohio or what we would see in</p> <p>13 other jurisdictions outside of Ohio.</p> <p>14 We also saw a decrease in our</p> <p>15 property values, which impacts property taxes</p> <p>16 generated and the general fund of the county does</p> <p>17 receive property tax revenue approximately</p> <p>18 \$13 million a year comes from property taxes. We</p> <p>19 will say the majority of property tax collected by</p> <p>20 the county are distributed to cities, schools,</p> <p>21 libraries. We don't retain the majority of property</p> <p>22 taxes.</p> <p>23 Q (Mr. Keyes) You said the great recession</p> <p>24 had an adverse economic impact on Cuyahoga County's</p> <p>25 sources of revenues referring to sales tax and</p>	<p style="text-align: right;">Page 93</p> <p>1 \$35 million. I think at its high it was about</p> <p>2 \$40 million. And as I said earlier today, last year</p> <p>3 we received \$19 million. So we have seen some</p> <p>4 pretty substantial losses in revenue.</p> <p>5 Q (Mr. Keyes) Is Cuyahoga County claiming</p> <p>6 as a category of damages in this case lost sales tax</p> <p>7 revenue?</p> <p>8 A No, I don't believe so.</p> <p>9 Q For what period of time did Cuyahoga</p> <p>10 County's assessed valuations of property remain</p> <p>11 depressed because of the great recession?</p> <p>12 MR. BADALA: Objection to form, outside</p> <p>13 the scope.</p> <p>14 A So the county conducts appraisals every</p> <p>15 three years. And then every six years, which is, it</p> <p>16 is done mostly by computers. It is an in-house</p> <p>17 appraisal. Then every six years we conduct a</p> <p>18 comprehensive sexennial appraisal where we go out</p> <p>19 into the community, they are doing drivebys, they're</p> <p>20 looking at properties. So we just completed the</p> <p>21 sexennial appraisal in 2008.</p> <p>22 The previous one that was completed</p> <p>23 three years ago, values went down from the last</p> <p>24 time. And then three years prior to that, values</p> <p>25 had also decreased. So that would be 2012 we had</p>

<p style="text-align: right;">Page 94</p> <p>1 decreases in value.</p> <p>2 Q Do I understand you correctly that the</p> <p>3 property values decreased between 2009 and 2012?</p> <p>4 MR. BADALA: Object to the form, outside</p> <p>5 the scope.</p> <p>6 A Yes.</p> <p>7 Q (Mr. Keyes) And the property values</p> <p>8 continued to decrease between 2012 and 2015?</p> <p>9 MR. BADALA: Objection, outside the scope.</p> <p>10 A Yes.</p> <p>11 Q (Mr. Keyes) But that property values</p> <p>12 increased in Cuyahoga County between 2015 and 2018?</p> <p>13 A On a whole they did, yes. Obviously, we</p> <p>14 have some property that decrease, we have some</p> <p>15 communities that decrease, but on a whole property</p> <p>16 values did increase in 2018.</p> <p>17 Q When we're talking about property values</p> <p>18 decreasing or increasing, we're talking about the</p> <p>19 assessed valuations of those properties, correct?</p> <p>20 A That's correct.</p> <p>21 Q In the past, have you undertaken any</p> <p>22 effort to identify the impact of any particular</p> <p>23 factors on Cuyahoga County's property tax receipts?</p> <p>24 MR. BADALA: Objection, outside the scope.</p> <p>25 Q (Mr. Keyes) The only factor that I will</p>	<p style="text-align: right;">Page 96</p> <p>1 delinquency rate?</p> <p>2 A The delinquency rate captures what</p> <p>3 percentage have property owners are delinquent in</p> <p>4 paying their taxes, their property taxes.</p> <p>5 Q How often do you monitor the delinquency</p> <p>6 rate?</p> <p>7 A We collect taxes twice a year. So every</p> <p>8 time we complete the tax collection, I will ask and</p> <p>9 I get a report anyway, but that says what the rate</p> <p>10 delinquency was.</p> <p>11 Q Who do you get the report from?</p> <p>12 A The budget Commission.</p> <p>13 Q Who at that Budget Commission provides</p> <p>14 this report to you?</p> <p>15 A The director of the Budget Commission is</p> <p>16 Brian Dunn, D-U-N-N.</p> <p>17 Q And does the Budget Commission itself</p> <p>18 prepare the delinquency rate?</p> <p>19 A That data is generated by the County</p> <p>20 Treasurer's Office.</p> <p>21 Q The data is generated by the County</p> <p>22 Treasurer's Office?</p> <p>23 A That's correct.</p> <p>24 Q Does the County Treasurer then calculate</p> <p>25 the delinquency rate?</p>
<p style="text-align: right;">Page 95</p> <p>1 collect data on is the delinquency rate. I have not</p> <p>2 undertaken to research why values go up or down.</p> <p>3 But in terms of receipts, I do monitor the</p> <p>4 delinquency rate. That's kind of an indicator of</p> <p>5 where, how we are doing as a community. If the</p> <p>6 delinquency rate increases substantially, we know we</p> <p>7 have a problem.</p> <p>8 Q Have you asked anyone else to identify why</p> <p>9 assessed values in Cuyahoga County go up or down?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 A No, I have not.</p> <p>12 Q (Mr. Keyes) To your knowledge, has anyone</p> <p>13 else for Cuyahoga County attempted to identify why</p> <p>14 assessed values in Cuyahoga County go up or down?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 A So if we're talking about property</p> <p>17 specifics, the appraisers, of course, do research</p> <p>18 why values go up or down. And again the factors</p> <p>19 that I had mentioned before, if you go from taxable</p> <p>20 to nontaxable, we will look at that. But if you're</p> <p>21 asking about kind of just an overall how come they</p> <p>22 went down in 2012, how come they went up in 2018,</p> <p>23 no, not looking at the overall economy.</p> <p>24 Q (Mr. Keyes) Earlier you said you do</p> <p>25 monitor the delinquency rate. What is the</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. BADALA: Objection, outside the scope.</p> <p>2 A You know, I'm not entirely sure who</p> <p>3 physically does the percentage calculation.</p> <p>4 Q (Mr. Keyes) You don't know sitting here</p> <p>5 today who calculates the delinquency rate?</p> <p>6 MR. BADALA: Objection, outside the scope.</p> <p>7 A I don't know whether the percentage is</p> <p>8 calculated by the system or individual, no.</p> <p>9 Q (Mr. Keyes) But you get the delinquency</p> <p>10 rate once it is calculated from Brian Dunn who is</p> <p>11 director of the budget commission?</p> <p>12 A Yes, that's correct.</p> <p>13 Q Then every six months you can see what the</p> <p>14 delinquency rate is and how it compares to prior</p> <p>15 periods?</p> <p>16 A Yes, that's correct.</p> <p>17 Q What do you do with the delinquency rate</p> <p>18 once you see what it is and how it compares to prior</p> <p>19 periods?</p> <p>20 MR. BADALA: Objection, outside the scope.</p> <p>21 A Um, usually I report it. So as I</p> <p>22 mentioned before, we prepare quarterly forecasts,</p> <p>23 that we prepare, you know, books that go along with</p> <p>24 it. And usually I try to report the delinquency</p> <p>25 rate so that the county council, the county</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 executive, and the public, whoever reads it, can see</p> <p>2 if our property tax collections are going up and</p> <p>3 down. The delinquency rate is a factor in that.</p> <p>4 Q (Mr. Keyes) You say you usually report</p> <p>5 it, to whom?</p> <p>6 A I usually include it in my updates, which</p> <p>7 are the documents prepared for the quarterly</p> <p>8 forecasts.</p> <p>9 Q And these are the quarterly forecasts that</p> <p>10 you provide to the county executive and the county</p> <p>11 council?</p> <p>12 A That's correct.</p> <p>13 Q Do you undertake any study to determine</p> <p>14 why the delinquency rate is going up or down</p> <p>15 compared to prior periods.</p> <p>16 MR. BADALA: Object to form, outside the</p> <p>17 scope.</p> <p>18 A No, I don't.</p> <p>19 Q (Mr. Keyes) Do you have anyone else</p> <p>20 conduct such a study?</p> <p>21 MR. BADALA: Same objection.</p> <p>22 A As to why the delinquency rates might</p> <p>23 fluctuate.</p> <p>24 Q (Mr. Keyes) Yes, ma'am.</p> <p>25 A No.</p>	<p style="text-align: right;">Page 100</p> <p>1 A Yes.</p> <p>2 Q And you attribute it to the general</p> <p>3 economy?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A I do.</p> <p>6 Q (Mr. Keyes) Has the delinquency rate gone</p> <p>7 up in any year since 2015?</p> <p>8 A So I'm not confident in saying that the</p> <p>9 rate has gone up since 2015 because it may have been</p> <p>10 since 2014. But for the last several years the</p> <p>11 delinquency rate has been, it fluctuates, but it has</p> <p>12 remained relatively unchanged.</p> <p>13 Q We're still on page 17 of Exhibit 3, which</p> <p>14 is plaintiff also seeks the following past and</p> <p>15 ongoing lost tax revenue in the amount of</p> <p>16 approximately \$850 million.</p> <p>17 Are you able to tell me anything</p> <p>18 about how that number is arrived at by Cuyahoga</p> <p>19 County?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A The county did not calculate this number,</p> <p>22 so, no, I can't tell you the methodology.</p> <p>23 Q (Mr. Keyes) Do you know any of the inputs</p> <p>24 that were considered by whoever did prepare this</p> <p>25 calculation?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q To your knowledge, does anyone else in the</p> <p>2 Cuyahoga County government undertake to study why</p> <p>3 the delinquency rate is going up or down compared to</p> <p>4 prior periods?</p> <p>5 MR. BADALA: Same objection.</p> <p>6 A Not to my knowledge.</p> <p>7 Q (Mr. Keyes) And do you have an</p> <p>8 understanding over the past say ten years what</p> <p>9 factors cause the delinquency rate to go up or down</p> <p>10 during particular periods?</p> <p>11 MR. BADALA: Object to the form.</p> <p>12 A The delinquency rate did go up. I can't</p> <p>13 cite to you specific years, but I would say</p> <p>14 somewhere between probably 2010 to 2015, within that</p> <p>15 window of years, the delinquency rate did increase.</p> <p>16 We just kind of antidotally did have to do with the</p> <p>17 economy around us.</p> <p>18 Cleveland has been in a state of</p> <p>19 rebuilding, so we are a little bit better today than</p> <p>20 we were in 2009 and 2010, but no, I don't study it.</p> <p>21 I'm not aware of anyone in the county that does any</p> <p>22 real analytical research on it.</p> <p>23 Q Sitting here today, you recall that the</p> <p>24 delinquency rate increased at some point between</p> <p>25 2010 and 2015?</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A I know that one of the inputs would have</p> <p>3 been our actual tax receipts. I do report property</p> <p>4 tax revenue in our budget plans, and those were</p> <p>5 identified in the Exhibit 1 to this document, but I</p> <p>6 don't know what other data were used to come up with</p> <p>7 the \$850 million.</p> <p>8 Q (Mr. Keyes) Would you turn your attention</p> <p>9 to the chart?</p> <p>10 A Yes.</p> <p>11 Q Are you there?</p> <p>12 A Yes.</p> <p>13 Q Okay. And there are dollar figures for</p> <p>14 each year from 2006 to 2027, correct?</p> <p>15 A That is correct.</p> <p>16 Q From 2006 to 2017, these are listed as</p> <p>17 past department related costs, right?</p> <p>18 A They are related as department, yeah, past</p> <p>19 department related costs.</p> <p>20 Q And then for 2018 through 2027 they are</p> <p>21 listed as ongoing department related costs, correct?</p> <p>22 A That's correct.</p> <p>23 Q Did you prepare this chart?</p> <p>24 A No, I did not.</p> <p>25 Q Who did?</p>

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 A This chart was prepared by the county's 2 attorneys, I believe, working with experts. 3 Q Have you spoken with the experts about the 4 chart? 5 A No, I have not. 6 Q Did you undertake to learn anything about 7 the data in this chart as you were preparing for 8 today's deposition? 9 A No, I did not. 10 Q Did you speak with anyone about any of the 11 figures that are listed in this chart? 12 MR. BADALA: Objection, just want to 13 caution the witness not to discuss anything that 14 might have been discussed with attorneys in 15 preparation. 16 A I spoke to the county's attorneys. 17 Q (Mr. Keyes) What did you learn from the 18 county's attorney to prepare for the today's 19 deposition as the corporate representative of 20 Cuyahoga County? 21 A I didn't learn anything in forming my 22 testimony. 23 Q Okay. So there are a number of line 24 items. Each line item is described as a division, 25 is that a technical term?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q And so Children and Family Services is a 2 division of the Department of Health and Human 3 Services? 4 A Yes, that's correct. 5 Q And the sheriff, sheriff only and sheriff 6 jail only divisions are divisions of the sheriff's 7 agency? 8 A That's correct. 9 Q Okay. 10 A Just as an example, like the prosecutor 11 has four divisions, public defender has three 12 divisions. So agencies for ease of reporting and 13 transparency, we do try to break them up based on 14 their activity. 15 Q Earlier we talked about two of the line 16 items here, right? Sheriff, sheriff only, and 17 sheriff jail only, correct? 18 A That's correct. 19 Q Okay. So starting with sheriff jail only, 20 do you see the dollar figures listed for each year 21 from 2006 all the way through 2017? 22 A Yes. 23 Q Do you know how those numbers were arrived 24 at? 25 A No, I do not.</p>
<p style="text-align: right;">Page 103</p> <p>1 A That's not a technical term. These, um, 2 this is a combination of both divisions and agencies 3 and departments. 4 Q Which of the entities listed here are 5 agencies as opposed to divisions? 6 A The ADAMHS Board is an agency, Children 7 and Family Services is a division of the Department 8 of Health and Human Services, prosecutor and public 9 defender, Common Pleas and juvenile court are all 10 agencies. The sheriff is, these are divisions 11 because it is saying sheriff only and then jail 12 only. 13 The medical examiner is an agency. 14 Q So if I understand you correctly, the 15 ADAMHS Board, prosecutor, public defender, Court of 16 Common Pleas, juvenile court, and medical examiner's 17 office? 18 A That is correct. 19 Q Children and Family Services, sheriff, 20 sheriff only, and sheriff jail only are divisions? 21 A Yes, that's correct. 22 Q What is the difference between an agency 23 and a division? 24 A A division is a lower level of reporting 25 within a larger agency.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Do you know what costs are included in the 2 sheriff jail only line item? 3 A I know that these costs would include both 4 personnel and nonpersonnel expenses. But I don't 5 know, you know, the specific expenditures or 6 transactions, no. 7 Q How much of each figure is for personnel 8 expenses? 9 A I can't tell you that. I can just tell 10 you that the jail budget includes, it is largely 11 personnel heavy, but there are other expenses there, 12 but I don't know. For example, in 2017, the number 13 is 8 million. I can't tell you how that's broken 14 out. 15 Q So you don't know how much of each figure 16 is for personnel versus nonpersonnel experiences? 17 A No, I don't know that. 18 Q For the nonpersonnel expenses, what costs 19 or categories of costs are included in that for the 20 sheriff jail only line? 21 A I can't tell you that. 22 Q Do you know any of the categories of costs 23 of nonpersonnel expenses or sheriff jail only? 24 A I know categories of costs in the budget, 25 but not in this \$8 million figure. Again, looking</p>

<p style="text-align: right;">Page 106</p> <p>1 at 2017.</p> <p>2 Q What steps were taken to insure that the</p> <p>3 nonpersonnel expenses that are included in this</p> <p>4 sheriff jail only line are expenses that are</p> <p>5 incurred only because of the opioid problem?</p> <p>6 A I can't answer that question. I wasn't a</p> <p>7 part of the calculation.</p> <p>8 Q What costs or categories of costs are</p> <p>9 included in the personal expenses component of the</p> <p>10 sheriff jail only line?</p> <p>11 A Again, you are specifically referring only</p> <p>12 to this, right? I can't tell you that. I wasn't</p> <p>13 included in the calculations.</p> <p>14 Q What steps were taken to insure that the</p> <p>15 personnel expenses that are included in this sheriff</p> <p>16 jail only line, are expenses that were incurred only</p> <p>17 because of the opioid problem?</p> <p>18 A I can't tell you that. I wasn't included</p> <p>19 in this. I can't even definitively tell you that it</p> <p>20 includes personnel costs. I can only tell you that</p> <p>21 the jail budget includes personnel costs.</p> <p>22 Q But you did understand that you were</p> <p>23 testifying as a corporate representative on damages</p> <p>24 today, right?</p> <p>25 A Yes, that's correct.</p>	<p style="text-align: right;">Page 108</p> <p>1 lines how much of that is for personnel expenses,</p> <p>2 you are going to tell me, I don't know?</p> <p>3 A That's correct.</p> <p>4 Q And if I ask you how much of that is for</p> <p>5 nonpersonal expenses, you are going to tell me you</p> <p>6 don't know?</p> <p>7 A That's correct.</p> <p>8 Q If I ask you what are the specific costs</p> <p>9 or category of costs within the nonpersonnel</p> <p>10 expenses of that line item, you are going to tell me</p> <p>11 you don't know?</p> <p>12 A That is correct.</p> <p>13 Q If I ask you what are the costs or</p> <p>14 category of costs within the personnel expenses</p> <p>15 component of the line, you are going to tell me you</p> <p>16 don't know?</p> <p>17 A That's correct. I can only answer those</p> <p>18 questions, excuse me, as it relates to the total</p> <p>19 budget.</p> <p>20 Q What do you mean as it relates to the</p> <p>21 total budget?</p> <p>22 A I can tell you what personnel expenses are</p> <p>23 included in the jail budget, I can tell you what</p> <p>24 nonpersonnel expenses are included in the jail</p> <p>25 budget. What I cannot tell you is specific to</p>
<p style="text-align: right;">Page 107</p> <p>1 Q And you did understand that part of the</p> <p>2 damages being claimed by Cuyahoga County are the</p> <p>3 ones listed in this chart, correct?</p> <p>4 A That is correct.</p> <p>5 Q And you reviewed the chart to prepare for</p> <p>6 today's deposition, correct?</p> <p>7 A That's correct, I did.</p> <p>8 Q In fact, you said you had two prep</p> <p>9 meetings with the lawyers to prepare for today's</p> <p>10 deposition and you reviewed this in both meetings,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q Did you learn anything at all about what</p> <p>14 is included in the dollars listed for sheriff jail</p> <p>15 only?</p> <p>16 A No, I did not.</p> <p>17 Q Did you learn that for any of the lines</p> <p>18 here?</p> <p>19 A No.</p> <p>20 Q Okay. So if I ask a series of questions</p> <p>21 about the dollars listed for any of the other lines,</p> <p>22 you are going to tell me, again, you don't know?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 A That's what I'm going to tell you.</p> <p>25 Q (Mr. Keyes) If I ask you for any of these</p>	<p style="text-align: right;">Page 109</p> <p>1 opiates and the damages claimed here of that</p> <p>2 8 million, how much is attributed to personnel and</p> <p>3 how much is attributed to something else.</p> <p>4 Q So why don't we take a step back. You</p> <p>5 understood that you were here to testify as the</p> <p>6 corporate representative for Cuyahoga County on the</p> <p>7 damages claimed by the plaintiffs, correct?</p> <p>8 A That's correct.</p> <p>9 MR. BADALA: I just want to note for the</p> <p>10 record we had our responses and objections as one of</p> <p>11 the exhibits in this folder, and Miss Keenan would</p> <p>12 be deposed subject to her responses and objections.</p> <p>13 Q (Mr. Keyes) So what can you tell me about</p> <p>14 the damages being claimed by Cuyahoga County in this</p> <p>15 lawsuit?</p> <p>16 MR. BADALA: Objection to form, asked and</p> <p>17 answered.</p> <p>18 A I can answer questions relative to the</p> <p>19 county budget. I can answer questions to our</p> <p>20 sources of revenue. I can answer questions about</p> <p>21 how we spend our money. I can tell you that a</p> <p>22 portion of our budget is attributed, excuse me, to</p> <p>23 the opiate epidemic. I cannot answer for you</p> <p>24 specific questions about the dollar figures that are</p> <p>25 included in the table in Exhibit 2.</p>



<p style="text-align: right;">Page 110</p> <p>1 Q (Mr. Keyes) My last question is not  2 specific to the dollar figures in the table or even  3 the table. My question is, the damages claimed by  4 Cuyahoga County are a discreet topic, separate from  5 the other topics you listed. So what can you tell  6 me as the Cuyahoga County corporate representative  7 about the damages being claimed by the county in  8 this lawsuit?  9 A I can tell you how the county spends its  10 money, that's what I can tell you.  11 Q Okay. So what money has been spent by  12 Cuyahoga County because of the opioid problem?  13 A A portion of ADAMHS budget has been spent  14 on combating the opioid epidemic. As I mentioned  15 before, ADAMHS provides treatment services, they  16 provide housing. When I say provide, I mean they  17 fund. Housing, job readiness services and other  18 supportive services to assist individuals who are  19 drug dependent.  20 And the county contributes a  21 substantial portion of its health and human services  22 levy revenue to the ADAMHS Board to aid in what they  23 are trying to accomplish.  24 Division of Children and Family  25 Services is approximately a \$150 million agency. It</p>	<p style="text-align: right;">Page 112</p> <p>1 costs have increased exponentially.  2 Q Will you keep in my my question?  3 A I am.  4 Q So what money has been spent by Cuyahoga  5 County because of the opioid problem?  6 MR. BADALA: She's answering the question.  7 A This is money that has been spent by  8 Cuyahoga County because of the opiate epidemic.  9 Every child we take in whose parent tested positive  10 for prescription opiates and cannot care for their  11 children, the county spends money.  12 The prosecutor's office spends money  13 on, they are almost exclusively personnel,  14 prosecutor, but they are spending money not only in  15 the general office on prosecutors who are  16 prosecuting criminal cases. And our criminal case  17 filings have increased every year for the last  18 several years, with the exception of 2018 we  19 remained flat, but three years before that we were  20 increasing substantially in criminal case filings.  21 The prosecutor's office also is the  22 one responsible for taking children legally from  23 their homes and placing them in out of home  24 placements. We have had to add several prosecutors  25 to that division because they can't keep up the</p>
<p style="text-align: right;">Page 111</p> <p>1 is a mandated service of the county and we are  2 responsible for providing services and care to  3 children who are at risk of abuse and neglect.  4 Children and Family Services has seen  5 a year over year increase in the number of children  6 that have come into placement and the number of  7 families that the county is serving even while the  8 children are remaining in those homes.  9 Several years ago we were looking at  10 placement counts of approximately 1,200, 1,300, we  11 have gone up to 1,600. That's substantial for the  12 county.  13 The number of children who are  14 eligible for adoption, which means their family are  15 unable to care for them permanent has increased. We  16 are at a record high right now. I believe as of  17 last week we have 600 children in this county alone  18 who cannot go back to their family.  19 Children of Family Services spends  20 about \$60 million a year on board and care costs for  21 kids who are taken out of their homes and cannot go  22 to foster homes because they have suffered too many  23 traumas. We also spend millions of dollars a year  24 on foster homes, which is what you typically think  25 of when we pay families to take children. And our</p>	<p style="text-align: right;">Page 113</p> <p>1 caseload. We are mandated by law to respond to  2 these cases in a certain period of time.  3 The public defender has incurred  4 costs because, again, as I said the number of cases  5 has increased year over year. The public defender  6 also largely a personnel heavy office. They have  7 approximately, I believe, 100 attorneys working for  8 either the public defender's office. Court of  9 Common Pleas we have had to provide additional  10 funding to cover their expenses. Again, increase in  11 caseloads.  12 We are the busiest court in the State  13 of Ohio, even though we are no longer the most  14 populous county. The Court of Common Pleas has  15 personnel costs and they also have costs for  16 treatment services with nonprofit entities and  17 halfway houses.  18 So that ideally when we have  19 individuals who are presented to the court, who have  20 drug addiction problems and mental health problems,  21 we are not keeping them in the jail. Our jail is  22 the largest mental health facility and we prefer not  23 to have it that way.  24 So the Common Pleas Court spends a  25 considerable amount of money every year on trying to</p>

<p style="text-align: right;">Page 114</p> <p>1 find other places where these individuals can go so 2 that they're not being denied bail and staying in 3 our jail. 4 Juvenile court has seen a substantial 5 increase in the number of the abuse dependency and 6 neglect filings. So when the county does have to 7 file to take a child from his home, we do that in 8 the juvenile court. Those case filings have 9 increased almost 100 percent over the last couple 10 years. 11 Every child that presents to juvenile 12 court for an ADM case is given a guardian ad litem 13 by law. And our guardian add litem expenses have 14 also increased every year. We are now paying 15 \$2 million a year for GAL costs. Those come out of 16 our health and human services levies, devoted levy. 17 We like to think we should be doing something else 18 with that money. 19 Um, the sheriff, as I mentioned 20 before, for sheriff only largely talking about the 21 deputies. The cost of deputy overtime has increased 22 as a direct result of the opiate epidemic due to the 23 number of inmates in our county jail who are coming 24 in opiate addicted and that has increased, again, 25 substantially over the years.</p>	<p style="text-align: right;">Page 116</p> <p>1 National Association of Medical Examiners. That 2 accrediting body requires that pathologists perform 3 no more than 250 autopsies per year. We have been 4 cited in the last couple years because we have had 5 at least three of our pathologists, I believe, who 6 have gone over or very, very, close to going over 7 that 250 number. 8 So we did have to hire a new 9 pathologist. We've also had to provide additional 10 funding to deal with the testing result, the 11 toxicology test. So every time someone comes in on 12 an overdose, we are running toxicology test on them. 13 It is extraordinarily expensive and 14 the medical examiner has had to pay for that and 15 that's coming from the general fund. And these are 16 the are the agencies that we have identified as 17 having incurred costs directly related to the opiate 18 epidemic. 19 MR. BADALA: Okay. So we have gone over 20 an hour, do you want to take a break? 21 A I'm okay. 22 Q (Mr. Keyes) Okay. Turning then your 23 attention to the first line here, the ADAMHS Board. 24 For how long has Cuyahoga County been contributing 25 funds to the ADAMHS Board?</p>
<p style="text-align: right;">Page 115</p> <p>1 These are needy inmates. They are 2 medically fragile and the county once they come into 3 our custody, we are responsible for taking care of 4 them. 5 For a period of time they had to go 6 offsite for treatment which requires two deputies to 7 transport them every time they left. If they 8 overdose because they have come into our custody, 9 they are already taking something. We have to take 10 them to the hospital, deputies have to sit on them 11 for 24 hours, you know, if it is at least 24 hours, 12 you have to put more deputies on them. Our costs 13 are going up. 14 In the jail the medical costs, which 15 I just described, has been increasing every year 16 because the inmates that we are seeing they are 17 coming in, we have never experienced the number of 18 addicts coming into our jail that we are 19 experiencing right now and the county has to deal 20 with that once they come into our custody. So our 21 medical costs are through the roof. 22 Finally, in the medical examiner's 23 office we have had to increase funding because we 24 have had to hire additional pathologists. Our 25 medical examiner's office is accredited by the</p>	<p style="text-align: right;">Page 117</p> <p>1 MR. BADALA: Objection to form. 2 A I can't answer that off the top of my 3 head. I'd have to look at documents, but at least 4 going back to 2006, which is when I started. 5 Q (Mr. Keyes) And how -- 6 A I'm sorry, I do want to note just for the 7 record that back in 2006 the ADAMHS Board didn't 8 exist. We had mental health board and a drug 9 addiction board, alcohol and drug addiction. 10 Q Which were combined to perform the ADAMHS 11 Board? 12 A They were, that's correct. 13 Q So before the ADAMHS Board existed, there 14 were two prior agencies that also received funding 15 from from Cuyahoga County? 16 A That's correct. We funded both of them. 17 Q What steps were taken in arriving at the 18 figures that are listed here for the ADAMHS Board to 19 limit the damages to expenses incurred in providing 20 services to people who had an opioid use disorder or 21 were addicted to opioids because of their use of 22 prescription opioids? 23 MR. BADALA: Objection to form. 24 A I can't answer that question. I was not 25 involved in the calculation of the portion of the</p>

<p style="text-align: right;">Page 118</p> <p>1 budget.</p> <p>2 Q (Mr. Keyes) What documents do you or does</p> <p>3 Cuyahoga County have that match up the dollars that</p> <p>4 Cuyahoga County gives to the ADAMHS Board with the</p> <p>5 specific services provide the specific people needs</p> <p>6 specific criteria?</p> <p>7 A The county doesn't have any document that</p> <p>8 has the data you have just identified.</p> <p>9 Q So you would have to go to the ADAMHS</p> <p>10 Board to figure out of the dollars contributed by</p> <p>11 Cuyahoga County in any particular year, how those</p> <p>12 dollars were spent and of those dollars which were</p> <p>13 spent on mental illness versus a non opioid drug</p> <p>14 addiction versus an opioid addiction, correct?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 A That is correct, yes.</p> <p>17 Q (Mr. Keyes) Turning then to the Children</p> <p>18 and Family Services line.</p> <p>19 A Okay.</p> <p>20 Q You said the number of placements has</p> <p>21 increased over time?</p> <p>22 A Yes, absolutely.</p> <p>23 Q Okay. Of the number, what is the</p> <p>24 placement?</p> <p>25 A I'm sorry. So a placement is when a child</p>	<p style="text-align: right;">Page 120</p> <p>1 in the Division of Children and Family Services will</p> <p>2 include the costs of the placements themselves.</p> <p>3 So we have to pay per diems to the</p> <p>4 residential treatment facilities, the group homes.</p> <p>5 We pay monthly stipends to the foster families, we</p> <p>6 also provide supportive services for the children,</p> <p>7 which could mean anything from we are paying for</p> <p>8 their therapy, we are paying for medical care, we</p> <p>9 are paying for, at one time we had a menu of options</p> <p>10 where kids could go for dancing or therapeutic</p> <p>11 horseback riding or just something to help keep them</p> <p>12 so that we could keep them stable and not disrupt</p> <p>13 their placement.</p> <p>14 It also includes, we have contracts</p> <p>15 throughout the neighborhoods of the City of</p> <p>16 Cleveland and the inner ring suburbs where foster</p> <p>17 families can go to receive supportive services.</p> <p>18 So it is like peer counseling for one</p> <p>19 thing, but then we also provide money for the kids</p> <p>20 clothes, for if they need school supplies, whatever</p> <p>21 they need. It could even be furniture to keep the</p> <p>22 kid in that placement and to keep hopefully the</p> <p>23 foster family from sending them back.</p> <p>24 Q And which of all of those expenses are</p> <p>25 included in these numbers for Children and Family</p>
<p style="text-align: right;">Page 119</p> <p>1 has been removed from their home. They will either</p> <p>2 be in a residential treatment facility for what we</p> <p>3 refer to as dependent children, who have more severe</p> <p>4 behavioral problems. They will be in a group home,</p> <p>5 they will be in a foster home, or they will be in</p> <p>6 what's referred to as a kinship placement, which</p> <p>7 means they are with family who are not licensed</p> <p>8 foster families.</p> <p>9 Q So for the Children and Family Services</p> <p>10 line item, how much of the dollar figures listed in</p> <p>11 each year are for staffing of that division?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 A I can't, um, I can't say that. Again, I</p> <p>14 wasn't a part of coming up with these figures.</p> <p>15 Q (Mr. Keyes) For the non staffing</p> <p>16 component of these dollar figures, what are those</p> <p>17 costs, by description, not necessarily dollar?</p> <p>18 A Are you asking me for what the department</p> <p>19 spends or included in these figures.</p> <p>20 Q I want to know for the figures that are</p> <p>21 listed here for Children and Family Services, what</p> <p>22 are the non staffing costs included?</p> <p>23 A So I cannot confirm that non staffing</p> <p>24 costs are included in these figures because I wasn't</p> <p>25 a part of calculating them. But non staffing costs</p>	<p style="text-align: right;">Page 121</p> <p>1 Services?</p> <p>2 MR. BADALA: Objection to form?</p> <p>3 A As I said, I can't tell you that because I</p> <p>4 wasn't a part of calculating these numbers.</p> <p>5 Q (Mr. Keyes) You said earlier that</p> <p>6 sometimes the parents test positive for a</p> <p>7 prescription opiate, which leads to the removal of</p> <p>8 the child from the home?</p> <p>9 A I don't know if I said that. I don't know</p> <p>10 that I specifically said that.</p> <p>11 Q I said, so what money has been spent by</p> <p>12 Cuyahoga County because of the opioid problem. And</p> <p>13 you said it has been spent by Cuyahoga County</p> <p>14 because of the opiate epidemic. Every child taken</p> <p>15 from a parent who tested positive for prescription</p> <p>16 opiates cannot care for their children and the</p> <p>17 county spends money.</p> <p>18 So what were you referring to when</p> <p>19 you talked about parents testing positive for</p> <p>20 prescription opiates?</p> <p>21 A It wouldn't be limited to prescription</p> <p>22 opiates. If we have parents who are testing</p> <p>23 positive for drugs and they are unable to take care</p> <p>24 of their children, then we will take the children.</p> <p>25 We don't automatically take children if the parents</p>



<p style="text-align: right;">Page 122</p> <p>1 are testing positive for drugs if it seems like the 2 parent can adhere to the treatment plan and the 3 child is safe.</p> <p>4 The worse thing you can do really is 5 to remove a child from their home. But sometimes, 6 of course, if the parent can't take them, we drug 7 test all the parents and they test positive for, 8 some of them are prescriptions opiates and if they 9 have prescriptions and they can demonstrate that 10 they're supposed to be taking this, that's fine. If 11 they are not taking care of their children, we still 12 have a duty to take the child and then, of course, 13 we have parents who test positive for illegal 14 substances.</p> <p>15 Q What is standard for removing the child 16 from the home?</p> <p>17 MR. BADALA: Objection, outside the scope.</p> <p>18 A I am not qualified to answer that 19 question.</p> <p>20 Q (Mr. Keyes) Are children removed from the 21 home and placed out of the home because of parents 22 who are abusive?</p> <p>23 MR. BADALA: Objection, outside the scope 24 and form.</p> <p>25 A They could be, yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 ill, they are drug dependent or still occurring, but 2 yes, we, I'm sure, have removed at least a child 3 whose parent had no issues relative to prescription 4 opiates.</p> <p>5 Q (Mr. Keyes) And so who has the records 6 that would need to be reviewed to determine why each 7 child was removed from a home?</p> <p>8 MR. BADALA: Objection, outside the scope.</p> <p>9 A The Division of Children and Family 10 Services maintains those records until the child is 11 18, unless they are for some reason still have an 12 active plan with us.</p> <p>13 Q (Mr. Keyes) And does the Division of 14 Child and Family Services have a single record that 15 tracks the number of children who have been removed 16 from the home because of the parents use of opioids, 17 either illicit opioids or prescription opioids?</p> <p>18 MR. BADALA: Objection, outside the scope.</p> <p>19 A Um, I have never seen that record. So I 20 cannot tell you for sure. I do know that they do 21 track, of course, the data on why children are 22 removed because we do try to identify trends or if 23 there's, you know, a certain neighborhood that seems 24 to be, you know, you have an abnormally large number 25 of removal. I have never seen a report like that,</p>
<p style="text-align: right;">Page 123</p> <p>1 Q (Mr. Keyes) Or because the parents have a 2 problem with mental illness?</p> <p>3 MR. BADALA: Same objection.</p> <p>4 A We do not remove children just because 5 their parents are mentally ill. The parents have to 6 demonstrate abuse, neglect, some other action that 7 demonstrates they are incapable of taking care of 8 their children.</p> <p>9 Q (Mr. Keyes) And there are many instances 10 where parents meet that standard, even though the 11 parents do not have a drug addiction, correct?</p> <p>12 MR. BADALA: Objection to form, outside 13 the scope.</p> <p>14 A Meet the standard for removal?</p> <p>15 Q (Mr. Keyes) Yes</p> <p>16 A Absolutely.</p> <p>17 Q And there are many instances where parents 18 meet that standard for removal, even though the 19 parents have never used prescription opiates, 20 correct?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 A Um, I don't know, many is a subjective 23 term, so I don't know about many. I do think that 24 the majority of our families do have some sort of 25 behavioral health issue. Either they are mentally</p>	<p style="text-align: right;">Page 125</p> <p>1 no.</p> <p>2 Q (Mr. Keyes) So what is the tracking that 3 you understand the Division of Children and Family 4 Services does?</p> <p>5 MR. BADALA: Objection, outside the scope.</p> <p>6 A All I know is that they do track data on 7 why children are being removed. I know we drug test 8 parents. And so the results of those drug tests are 9 tracked and kept in the child's file in that we have 10 to keep, we have to keep that for at least 18, until 11 they're 18 like I said.</p> <p>12 I don't know, the Division of 13 Children and Family Services does have quite an 14 active unit for data analysis, but like I said, I 15 don't know what they do.</p> <p>16 Q (Mr. Keyes) Has the Division of Children 17 and Family Services hired additional personnel 18 because of the opioid problem?</p> <p>19 A Yes, we believe that we have. We have 20 hired additional social workers, our social workers 21 are also working records amounts of overtime and 22 that is a direct result of the increase in 23 caseloads, not only of the family served where the 24 children are remaining in the home, but also family 25 served where the children have been removed from</p>

<p style="text-align: right;">Page 126</p> <p>1 their home. According to the Division of Children 2 and Family Services, opiates are a driving force 3 behind the increase in the number of placements. 4 Q How many additional social workers did the 5 Division of Children and Family Services hire in 6 2014 because of the opioid problem? 7 A I don't have that data with me. 8 Q Were any additional social workers hired 9 in 2014 because of the opioid problem? 10 A I don't have that data, I can't answer 11 that question, I'm sorry. 12 Q How about in 2015? 13 A I don't know. 14 Q How about in 2016? 15 A I don't know. 16 Q How about 2017? 17 A I don't know. 18 Q How about this year? 19 A In 2018, 2019 or 2018? 20 Q Let's say 2018? 21 A In 2018, the division was provided funding 22 to hire an additional 12 or 15 social workers. I 23 think it was 12, but I can't say for certain. Um, 24 and that has been in process. So they have hired 25 additional social workers, unfortunately, this is a</p>	<p style="text-align: right;">Page 128</p> <p>1 question of whether or how many social workers were 2 hired by the Division of Children and Family 3 Services in any particular year because of the 4 opioid problem, where would you go? 5 A To find out how many social workers were 6 hired, I would go to the department, the Department 7 of Human Resources. Um, whether that's because of 8 the opiate epidemic would be a question for Children 9 and Family Services. 10 Q And to be clear, it is not who or how many 11 were actually hired, it is how many additional slots 12 were created in any year or social workers because 13 of the opioid problem would you also go to HR? 14 A No. 15 Q Where would you go for that answer? 16 A It is just additional slots that were 17 created. We would know that because we, so we, I'm 18 sorry, I mean the Office of Budget Management. 19 Q You would know not just how many slots 20 were created with budgeted dollars, you would know 21 actually how many people, how many new slots were 22 created and filled? 23 A I would know how many slots were created. 24 To know how many slots were filled, I would want to 25 defer to the Department of Human Resources because</p>
<p style="text-align: right;">Page 127</p> <p>1 position that has a high rate of turnover, and so we 2 bring them in and it seems sometimes that every time 3 we add a new staff person, we get a resignation from 4 somebody else. 5 Q There was funding appropriated in 2018 to 6 hire 12 to 15 additional social workers? 7 A That's correct. In 2018 the department 8 received, well, overall they got more than, almost 9 8 million in additional funding, but they did 10 receive funding specifically for, again, I believe 11 it was 12 to 15 social workers and then we also 12 received funding to hire some additional law 13 enforcement personnel who I believe were going to be 14 contracted, like retired police officers to assist 15 the social workers. 16 Q And how many of those 12 to 15 slots were 17 filled in 2018? 18 A I can't definitively say how many were 19 filled in 2018. I know that all of them are at 20 least in the process of being filled and some have 21 been filled, but I couldn't tell you exactly how 22 many have been filled. And I also, I don't think I 23 can tell you, you know, what year because we have 24 some people come on in 2019. 25 Q If you wanted an accurate answer to the</p>	<p style="text-align: right;">Page 129</p> <p>1 the data that I track relative to personnel is 2 hours. So I track FTEs, not bodies. 3 Q And what has the Division of Children and 4 Family Services done to keep the problem of overtime 5 under control? 6 MR. BADALA: Objection to form, outside 7 the scope. 8 A They have not kept the problem of overtime 9 under control. Overtime is very high. 10 Q (Mr. Keyes) Overtime is very high because 11 certain slots have not been filled, correct? 12 MR. BADALA: Objection to form. 13 A Overtime is very high because the number 14 of families that we are serving right now is at its 15 highest. 16 Q (Mr. Keyes) And not all the available 17 slots have been filled? 18 MR. BADALA: Objection to form, asked and 19 answered. 20 A That is correct. Yeah, absolutely. 21 MR. KEYES: Let's take a ten minute break. 22 THE VIDEOGRAPHER: It is 11:53, going off 23 the record. 24 (Off the record.) 25 THE VIDEOGRAPHER: It is 12:14, we are</p>

<p style="text-align: right;">Page 130</p> <p>1 back on the record.</p> <p>2 Q (Mr. Keyes) Miss Keenan, turning your</p> <p>3 attention to the prosecutor line on this chart.</p> <p>4 A Yes.</p> <p>5 Q Do you how any of the figures for that</p> <p>6 line were calculated?</p> <p>7 A Um, no, I do not. I was not part of the</p> <p>8 calculation. That was done by the attorneys.</p> <p>9 Q This refers to prosecutors who prosecute</p> <p>10 criminal cases, correct?</p> <p>11 A Again, I wasn't part of it, but I do not</p> <p>12 believe that that would be exclusive to criminals or</p> <p>13 prosecutors who prosecute criminal defendants.</p> <p>14 Q You said there are prosecutors who</p> <p>15 prosecute criminal cases and prosecutors who are</p> <p>16 involved in trying to remove children from their</p> <p>17 homes?</p> <p>18 A That's correct. And we have prosecutors</p> <p>19 who are involved in tax foreclosures.</p> <p>20 Q Is the time spent by prosecutors on</p> <p>21 prosecuting tax foreclosures included in that line</p> <p>22 item?</p> <p>23 A That I can't answer.</p> <p>24 Q Is the time a prosecutor spent prosecuting</p> <p>25 criminal case included in this line?</p>	<p style="text-align: right;">Page 132</p> <p>1 A Yes. They are also involved in cases of</p> <p>2 child support, and they also, the prosecutor's</p> <p>3 office has a civil division. So that's the civil</p> <p>4 attorneys represent the county.</p> <p>5 Q And given the prosecutors fulfill those</p> <p>6 different functions, what are the specific harms</p> <p>7 incurred by Cuyahoga County because of the opioid</p> <p>8 problem related to prosecutors?</p> <p>9 A That's identified in this table.</p> <p>10 So, for example, in 2017, the harm to</p> <p>11 the county prosecutor's office was \$5 million.</p> <p>12 Q Okay. But, ma'am, you keep switching back</p> <p>13 and forth between the chart. When I ask you a</p> <p>14 question about the chart, you say I wasn't involved</p> <p>15 in the chart, I don't know how the numbers are</p> <p>16 prepared.</p> <p>17 So I'm not asking you to look at the</p> <p>18 chart. I'm saying as the corporate representative</p> <p>19 on the damages topic, where I ask you to tell me</p> <p>20 what the damages are. You went through a list and</p> <p>21 one of the items on your list was prosecutors. So</p> <p>22 I'm asking you with respect to prosecutors, what are</p> <p>23 the harms incurred by Cuyahoga County relating to</p> <p>24 the opioid epidemic, tell me what they are?</p> <p>25 MR. BADALA: Objection, asked and answered</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. BADALA: Are you done with that</p> <p>2 answer?</p> <p>3 A No. I can't answer that. I was not part</p> <p>4 of this calculation, this was done by the experts.</p> <p>5 Q (Mr. Keyes) Okay. The prosecutors you</p> <p>6 said though line item includes the personnel cost of</p> <p>7 prosecutors, correct?</p> <p>8 A I can definitively would say this include</p> <p>9 some personnel cost, yes.</p> <p>10 Q The prosecutors you described three</p> <p>11 things, they prosecute criminal cases, correct?</p> <p>12 A That's correct.</p> <p>13 Q Where the defendants have been accused of</p> <p>14 a crime?</p> <p>15 A That is correct.</p> <p>16 Q They prosecute tax foreclosure cases,</p> <p>17 correct?</p> <p>18 A That is correct.</p> <p>19 Q Do the tax foreclosure cases have anything</p> <p>20 to do with prescription opioids?</p> <p>21 A They might.</p> <p>22 Q Do you know?</p> <p>23 A I do not know for sure, no.</p> <p>24 Q And you said the prosecutors are involved</p> <p>25 in cases to remove children from their homes?</p>	<p style="text-align: right;">Page 133</p> <p>1 just for the record, she was going through the chart</p> <p>2 and saying she made a list.</p> <p>3 A This exhibit identifies the county damages</p> <p>4 for the prosecutor's office, for the period 2006</p> <p>5 through 2017. We have identified \$50 million that</p> <p>6 is the harm that has been caused to the prosecutor's</p> <p>7 office.</p> <p>8 Q (Mr. Keyes) What does that \$50 million</p> <p>9 measure, what is it?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 Q (Mr. Keyes) What are the components of</p> <p>12 the costs that are included in that \$50 million?</p> <p>13 MR. BADALA: Objection to form, asked and</p> <p>14 answered.</p> <p>15 A I have answered that. This table was</p> <p>16 created by experts. This is not in the county's,</p> <p>17 this is outside the scope of what my role is as a</p> <p>18 budget director, I'm sorry to cover that, and what</p> <p>19 the county does. We rely on experts.</p> <p>20 Q (Mr. Keyes) Okay. Put the chart to the</p> <p>21 side. We don't need to look at the chart since you</p> <p>22 know nothing about the chart. So you can put the</p> <p>23 chart to the side.</p> <p>24 A But my topic is damages. If we are still</p> <p>25 talking about damages, I'm going to refer to this</p>

<p style="text-align: right;">Page 134</p> <p>1 chart.</p> <p>2 Q I can read the chart, ma'am, I can read</p> <p>3 the chart. I know what the chart says. And you</p> <p>4 have told me multiple times you can't provide any</p> <p>5 more detail about any of the dollar figures in this</p> <p>6 chart, correct?</p> <p>7 MR. BADALA: Objection, for the record she</p> <p>8 has provided detail. She has referenced a chart.</p> <p>9 You can reference whatever you like. You don't have</p> <p>10 to listen to his instruction.</p> <p>11 Q (Mr. Keyes) I don't want you to keep</p> <p>12 coming back to a chart and rely on a chart when</p> <p>13 you've already told me you weren't involved in the</p> <p>14 preparation of the chart and you don't know what the</p> <p>15 dollars include. So I don't want you to read me the</p> <p>16 chart. I am here to take your testimony as the</p> <p>17 corporate representative. So I want to know what</p> <p>18 you, Cuyahoga County, can tell me are the categories</p> <p>19 of harm that were suffered by Cuyahoga County with</p> <p>20 respect to prosecutors because of the opioid</p> <p>21 problem?</p> <p>22 MR. BADALA: Again, for the record, the</p> <p>23 chart was on behalf of Cuyahoga County, which is</p> <p>24 mentioned by counsel earlier in this deposition.</p> <p>25 MR. KEYES: The chart has a figure and she</p>	<p style="text-align: right;">Page 136</p> <p>1 yes, these costs are personnel costs that relate</p> <p>2 specifically to the opioid epidemic.</p> <p>3 Q And what are those personnel costs that</p> <p>4 relate to the opioid epidemic?</p> <p>5 MR. BADALA: Objection to form, asked and</p> <p>6 answered.</p> <p>7 A Personnel costs include salaries, include</p> <p>8 benefits, taxes paid by the employer on behalf of</p> <p>9 the employee, health care costs, that's all</p> <p>10 encompassed in personnel costs.</p> <p>11 Q (Mr. Keyes) Are their nonpersonnel costs</p> <p>12 included in the prosecutor line item relating to the</p> <p>13 opioid epidemic?</p> <p>14 MR. BADALA: I'm just unclear, you</p> <p>15 referring back to the chart that you told her not to</p> <p>16 look at? You said line item.</p> <p>17 Q (Mr. Keyes) You said there's a category.</p> <p>18 There's a line item here that you keep referring to.</p> <p>19 And as many times and I have tried, you told me you</p> <p>20 don't know anything about the dollar figures. I'm</p> <p>21 not asking about the dollar figure. I'm trying to</p> <p>22 understand, since we have been asking for months and</p> <p>23 months and months for Cuyahoga County to tell us,</p> <p>24 what are the damages you are seeking. And there's a</p> <p>25 line here that says prosecutor with a bunch of</p>
<p style="text-align: right;">Page 135</p> <p>1 doesn't know anything about the figure. I'm asking</p> <p>2 about the categories of harm within the prosecutor</p> <p>3 line.</p> <p>4 MR. BADALA: That completely misstates her</p> <p>5 testimony. All the testimony we have gone through</p> <p>6 already.</p> <p>7 Q (Mr. Keyes) You can answer my question.</p> <p>8 A The damages are identified in Exhibit 2.</p> <p>9 Q What are the categories of harm? What are</p> <p>10 the types of expenses that Cuyahoga County has</p> <p>11 incurred because of the opioid problem relating to</p> <p>12 prosecutors. I'm not asking about dollars, I'm</p> <p>13 asking about the kind of expenses that is incurred.</p> <p>14 Do you know or not?</p> <p>15 A I believe I have answered that.</p> <p>16 Q Okay.</p> <p>17 A This does include personnel costs.</p> <p>18 Q Okay.</p> <p>19 A That is a category of an expense.</p> <p>20 Q Okay. And the personnel expenses, is it</p> <p>21 for everything that the prosecutors do or is it</p> <p>22 limited to something that the prosecutors do</p> <p>23 relating to the opioid problem?</p> <p>24 A These costs have been identified as</p> <p>25 relating specifically to the opioid epidemic. So,</p>	<p style="text-align: right;">Page 137</p> <p>1 dollar figures associated with years. So I want to</p> <p>2 know since you are Cuyahoga County here, what is</p> <p>3 included in that category?</p> <p>4 MR. BADALA: And just for the record, and</p> <p>5 Mr. Keyes said months and months, but the court has</p> <p>6 approved this response. You have objected, the</p> <p>7 court has actually approved this response.</p> <p>8 A This is the county's response as to what</p> <p>9 the damages are. The county has relied on its</p> <p>10 attorneys and experts. This is outside the scope of</p> <p>11 what the county does.</p> <p>12 Q (Mr. Keyes) Okay. Same answer for public</p> <p>13 defender?</p> <p>14 A That's the same answer for every line in</p> <p>15 this. This opiate epidemic is an extraordinary</p> <p>16 circumstance for Cuyahoga County. This is beyond</p> <p>17 anything we have ever experienced before. It has</p> <p>18 been more harmful, it has been more damaging, it has</p> <p>19 been more expensive. We do not have the expertise</p> <p>20 to do the sort of analytics that are required to</p> <p>21 come up with the damages and the harm that has been</p> <p>22 occurred by Cuyahoga County.</p> <p>23 Q You have been experiencing these harms</p> <p>24 since 2006, correct?</p> <p>25 MR. BADALA: Objection to form.</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 A As I mentioned before, the county did 2 identify and became aware of the fact that there is, 3 in fact, an opiate epidemic in 2016 and then working 4 with the experts. We have now been able to trace 5 the impact on its systems and budget going back at 6 least as far as 2006. 7 Q (Mr. Keyes) You said earlier that the 8 opioid epidemic began in 2006? 9 MR. BADALA: Object to form, misstates her 10 testimony. 11 A I do not believe that is what I said. 12 Q (Mr. Keyes) You said that the opioid 13 epidemic began as early as 2006 and perhaps earlier? 14 MR. BADALA: Objection to form, misstates 15 her testimony. 16 Q (Mr. Keyes) Are you taking a different 17 position now? 18 MR. BADALA: Objection to form, misstates 19 her testimony. 20 A I believe what I said earlier is 21 consistent with what I'm saying now. That the 22 county became aware that we have an opiate epidemic 23 in 2016. And at that time is when we connected all 24 the dots, which I think is literally what I said 25 before. And now knowing what we know, we can trace</p>	<p style="text-align: right;">Page 140</p> <p>1 opioid epidemic? 2 A That's correct. 3 Q Another \$41 million in 2010 because of the 4 opioid epidemic? 5 A That's correct. 6 Q \$42 million in 2011 because of the opioid 7 epidemic? 8 A That's correct. 9 Q \$47 million in 2012 because of the opioid 10 epidemic? 11 A That's correct. 12 Q \$53 million in 2013 because of the opioid 13 epidemic? 14 A That's correct. 15 Q \$56 million in 2014 because of the opioid 16 epidemic? 17 A Yes, that's correct. 18 Q Another \$56 million in 2015 because of the 19 opioid epidemic? 20 A Yes, it has been a substantial impact. 21 Q All unbeknownst to Cuyahoga County until 22 2016 that none of those figures did it know it was 23 spending money because of the opioid epidemic. This 24 was all a surprise and a revelation to Cuyahoga 25 County in 2016, is that the county's position?</p>
<p style="text-align: right;">Page 139</p> <p>1 back the impact on our systems and budget at least 2 to 2006, perhaps earlier. 3 Q (Mr. Keyes) I asked you before when the 4 opioid epidemic started, and you said 2006, perhaps 5 earlier. I asked you that several times and you 6 said that earlier, correct? 7 MR. BADALA: Objection to form, misstates 8 her testimony. 9 A I cannot say, I do not remember what I 10 said. I do not believe I said it started in 2006. 11 I said we have traced now the impact, I know I said 12 repeatedly impact on systems and budget going back 13 to 2006. 14 Q (Mr. Keyes) And Cuyahoga County's 15 position today is that it spent \$33 million in 2006 16 because of the opioid epidemic, correct? 17 A This an estimate, but yes, the estimate of 18 what the damages incurred are. \$33 million in 2006. 19 Q And it spent another \$36 million in 2007 20 because of the opioid epidemic? 21 A That is correct. 22 Q And another \$38 million in 2008 because of 23 the opioid epidemic? 24 A That is correct. 25 Q Another \$39 million in 2009 because of the</p>	<p style="text-align: right;">Page 141</p> <p>1 A The county's position is that, yes, it 2 became aware that this was an opiate epidemic in 3 2016. And then with the data that we now had 4 available to us and we started connecting all of the 5 dots, we can go back and say retrospectively, yes, 6 those expenses were, in fact, attributed to this. 7 You can't realize you have an 8 epidemic all at once. You need data, you need 9 experience, you need time. 10 Q And so it is Cuyahoga County's position 11 that it didn't know there was a opioid epidemic 12 until 2016. 13 MR. BADALA: Objection to form, asked and 14 answered? 15 A That's correct. 16 Q (Mr. Keyes) It wasn't until 2016 that 17 Cuyahoga County discovered that from 2006, to 2015, 18 it had spent incompetences of \$450 million because 19 of an opioid epidemic it didn't know anything about, 20 that's the position of the county? 21 A Yes. You might want to put this in 22 perspective. This county spends \$2 billion a year. 23 So to spend 20 million, there's always something 24 going on. And so it is not, 56 million, you know, 25 you said it with a lot of strenuousness in your</p>



<p style="text-align: right;">Page 142</p> <p>1 voice, but we spend \$2 billion. It is not uncommon  2 to say the costs went up 10 million. I will  3 research everything, but 10 million is a blip when  4 we spend over 2 billion.  5 Q So as the director of the Office of Budget  6 and Management, during this time frame, you did not  7 know between 2006 and 2015 that Cuyahoga County had  8 spent in excess of \$450 million because of an opioid  9 epidemic and furthermore, Cuyahoga County didn't  10 even know there was an opioid epidemic during that  11 time frame. Is that the county's testimony?  12 MR. BADALA: Objection to form.  13 A That's absolutely the testimony. Now to  14 be clear, I was not the director from 2006 to 2015.  15 I became the director in October of 2015 of the  16 Office and Budget Management. I did work in the  17 Office of Budget Management previous to that.  18 What I know as the director is that  19 we are spending money to autopsy bodies of people  20 who have overdosed. What I know is that we are  21 spending money to take care of children whose  22 parents cannot take care of them or have failed them  23 in the most egregious ways. I don't get the data,  24 as I previously said, why specifically this child  25 has been taken from their home.</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. BADALA: Objection to form, asked and  2 answered.  3 A Yes, and I do want to be clear, that prior  4 to 2011, the county did not have a council or an  5 executive. We were working under a different system  6 of government. So I certainly can't speak for  7 elected officials who didn't exist. But that is  8 correct, the Office of Budget Management lacks the  9 requisite expertise and has no access to the data to  10 say that we had an opiate epidemic. The county did  11 not know that there was an opiate epidemic prior to  12 2016.  13 Q (Mr. Keyes) Tell me what happened in 2016  14 where Cuyahoga County had an epiphany and realized  15 that unbeknownst to it, there had been an opioid  16 epidemic since 2006, as to which the county had  17 spent in excess of \$450 million?  18 MR. BADALA: Objection to form.  19 Q (Mr. Keyes) What happened in 2016 that  20 Cuyahoga County suddenly realized, oh, we are now in  21 year ten of an opioid epidemic, what happened?  22 MR. BADALA: Which question are you  23 asking? You asked a question and another question,  24 which questions are you asking?  25 Q (Mr. Keyes) It is all one question.</p>
<p style="text-align: right;">Page 143</p> <p>1 I just get the bill that says this  2 child is costing us \$225 a day. I don't get the  3 data that would have allowed me as the director of  4 the Office of Budget Management to connect and say,  5 hey, I bet all of these things in these desperate  6 systems is connected to this one thing. The county  7 got that data, had that realization and connected  8 all of those dots in 2016.  9 Q (Mr. Keyes) So it is the county's  10 testimony today that not only you didn't know, but  11 no one in the Office of Budget Management knew, no  12 one in the mayor's office knew and no one on the  13 county council knew that there was an opioid  14 epidemic for the prior nine years, correct?  15 A I can't speak for the mayor because we  16 don't have a mayor, but nobody in the county knew  17 prior to 2016 that we were, in fact, dealing with an  18 opioid epidemic.  19 Q No one in Cuyahoga County government,  20 including anyone in the Office of Budget and  21 Management, anyone in the county executive's office  22 and anyone on the county council knew before 2016  23 that there was an opioid epidemic and that it had  24 started as early as 2006, is that the county's  25 testimony today?</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. BADALA: No, it is not, it's two  2 question.  3 Q (Mr. Keyes) Tell me what happened in 2016  4 where Cuyahoga County realized, unbeknownst to it  5 for the past nine years, that it was in year ten of  6 an opioid epidemic and that unbeknownst to the  7 county it had spent in excess of \$450 million on  8 that opioid epidemic?  9 MR. BADALA: Objection to form.  10 A Um, it has to just be that the county had  11 access to its data and was analyzing its data. I  12 can't tell you one specific thing. I think it is  13 misrepresenting to say that the county had an  14 epiphany. As if we have been negligent in seeing  15 what's been happening in our community for the last  16 ten years. Nobody woke up and said, oh, this is  17 what it is, but it is analyzing all the data  18 available to us.  19 We have 7,000 employees, we have over  20 50 agencies. That's a lot of data to pull together  21 and realize that oh, what's happening over here is  22 directly attributed to what's happening over there,  23 and there and there. That's a lot of agencies,  24 that's a lot of data that you have to analyze.  25 Q (Mr. Keyes) But in 2016 the county looked</p>

<p style="text-align: right;">Page 146</p> <p>1 at its data and determined that it spent hundreds of 2 millions of dollars on opioid epidemic that reached 3 back to 2006, correct? 4 MR. BADALA: Object to form, asked and 5 answered. 6 A That's correct. 7 Q (Mr. Keyes) And that's data that the 8 county had, correct? 9 A I can't say that that was data that the 10 county had available to it the whole time. 11 Q I didn't say that. You said that they 12 looked a data in 2016? 13 MR. BADALA: Are you done with your 14 answer? 15 A I'm not done with my answer. You asked me 16 if that was data that the county had. And I can't 17 say that that's data that the county had. The 18 county may have had access to data in 2016 that it 19 didn't have in 2015, I don't know. 20 Q (Mr. Keyes) What data did the county look 21 at in 2016 that brought to its attention this ten 22 year old opioid epidemic that it didn't know about 23 for the prior ten years? 24 MR. BADALA: Objection to form, outside 25 the scope.</p>	<p style="text-align: right;">Page 148</p> <p>1 A I cannot, first of all, I cannot say that 2 the county new these specific dollar amounts in 3 2016. I did not see this table in 2016. So I don't 4 know when the county knew that it had spent, as you 5 say, hundreds of millions of dollars and wasn't 6 aware of it. 7 I know that we realized we had the 8 opiate epidemic in '16 and then I first saw this 9 table in 2018. So that's when I became aware that 10 this was, in fact, our damage. 11 Q Prior to 2016, did Cuyahoga County know 12 that it was spending money because of an opioid 13 epidemic? 14 A No. Prior to that, the county knew it was 15 spending money because people weren't taking care of 16 their children, people were dying, people were 17 coming into the jail and we have to cart them off to 18 hospitals every other day. We have rising 19 caseloads, but we don't know. 20 You don't know without analyzing all 21 the data A, what is, what's driving that increase 22 and then B, whether it is, in fact, an epidemic or 23 it is a blip or it is this. I mean, you were asking 24 me previously did the numbers of deaths increase 25 this year over this year. We did go down in 2018,</p>
<p style="text-align: right;">Page 147</p> <p>1 A I'm going to answer that in two parts. 2 One, I don't know what specific data 3 sources the county got in 2016 that led to the 4 realization that we are in the midst of an opioid 5 epidemic, but I want to point out that in 2007, just 6 as an example, this \$36 million, it wasn't 7 necessarily \$36 million more than the previous year. 8 But this is 36 million that was attributed to now we 9 know the opiate epidemic. It is not as if the 10 county woke up one day and found that it spent 11 \$500 million more than it ever had before, but now 12 we know the cause. 13 Previous to that, we had had no one 14 singular cause why we are taking children into 15 custody. Now we are able to trace back and say, 16 yes, in fact, over the last several years, we have 17 spent between 11 and \$23 million taking children as 18 a result of this one singular cause. 19 Q (Mr. Keyes) So in 2016, Cuyahoga County 20 realized that since 2006, it had spent in excess of 21 \$450 million because of an opioid epidemic and 22 didn't know it before then? 23 MR. BADALA: Objection to form, asked and 24 answered. 25 Q (Mr. Keyes) Correct?</p>	<p style="text-align: right;">Page 149</p> <p>1 but we have gone down before and then we dip back 2 up. It would be premature for the county to say in 3 2018 we are healed because that number has gone back 4 up before. 5 You can't take one piece of data 6 point in time and make determinations. 7 Q Prior to 2016, did Cuyahoga County know 8 that it was spending money because of opioid use, 9 misuse, abuse or addiction? 10 MR. BADALA: Objection to form, asked and 11 answered. 12 A I don't, I can't say, I don't know the 13 answer to that. I know that the county knows it was 14 spending money on its mandated services to do this. 15 Whether, I do not believe the county knew exactly 16 why, what was the cause. We did not know that, 17 certainly we didn't know there was an epidemic until 18 2016. 19 Did the county know in 2008 that 20 maybe one parent was addicted to something that was 21 an opiate? Probably. I'm sure that in 2008 we took 22 a child from their home because their parent was an 23 addict. But to say this was, in fact, an epidemic 24 did not occur until 2016. 25 Q (Mr. Keyes) My question didn't say</p>

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1 anything about an epidemic. My question said, prior  
 2 to 2016, did Cuyahoga County know that it was  
 3 spending money because of opioid use, misuse, abuse  
 4 or addiction?  
 5 MR. BADALA: Objection to form, asked and  
 6 answered.  
 7 A On individual clients, yes.  
 8 Q (Mr. Keyes) Prior to 2016, did Cuyahoga  
 9 County know that it was spending significant money  
 10 because of opioid use, misuse, abuse or addiction  
 11 within the county?  
 12 MR. BADALA: Objection to form, asked and  
 13 answered.  
 14 A I would need a definition of significant.  
 15 Q (Mr. Keyes) Millions of dollars?  
 16 MR. BADALA: Objection to form.  
 17 A We define significant as \$5 million,  
 18 \$50 million? I don't know what significant means.  
 19 5 million is not significant to me.  
 20 Q (Mr. Keyes) Is \$5 million significant to  
 21 Cuyahoga County?  
 22 A \$5 million, depending on what we are  
 23 looking at, might not be enough to raise eyebrows.  
 24 We spend 2 billion.  
 25 Q So at what point are the numbers

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1 significant enough for Cuyahoga County to pay  
 2 attention to what it is spending and why, and  
 3 whether there is spending attributable to a problem  
 4 of opiates in the community?  
 5 MR. BADALA: Objection to form.  
 6 A To be clear, even if the numbers don't  
 7 change, the county is monitoring what it is spending  
 8 money on. My office does that as a matter of  
 9 routine and I report on it as a matter of routine  
 10 even if the numbers don't change. That in itself  
 11 could be significant depending on your definition of  
 12 significant.  
 13 County is always monitoring its  
 14 expenses. The county discovered, if I may, that  
 15 there was an opiate epidemic that we were spending  
 16 money in 2016. Substantial money as a result of one  
 17 cause in 2016.  
 18 Q (Mr. Keyes) You say the county is  
 19 monitoring what it is spending money on. You are  
 20 talking about currently?  
 21 A The county, at least going back to 2006,  
 22 has always monitored its spending.  
 23 Q Carefully?  
 24 A Yes.  
 25 MR. BADALA: Objection to form.

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1 A Yes, carefully.  
 2 Q (Mr. Keyes) On a department by department  
 3 and agency by agency basis?  
 4 MR. BADALA: Objection to form.  
 5 A On a division by division basis. In my  
 6 office very rarely misses the actuals by any more  
 7 than 3 percent.  
 8 Q (Mr. Keyes) So you and in your office  
 9 since 2006 have been on top of what the county is  
 10 spending on the division by division, department by  
 11 department, agency by agency basis, correct?  
 12 A That is correct.  
 13 Q And that has been without fail since 2006?  
 14 A Monitoring expenditures, yes.  
 15 Q So there aren't expenditures that are a  
 16 surprise to your office currently, correct?  
 17 MR. BADALA: Objection to form.  
 18 A There can be expenditures that's a  
 19 surprise if it posts. I don't know that an  
 20 expenditure necessarily has existed until it  
 21 happens.  
 22 Q (Mr. Keyes) And are the expenditures that  
 23 are listed in this chart from 2006 to 2017,  
 24 authorized or unauthorized expenses?  
 25 MR. BADALA: Objection to form.

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1 A County doesn't spend money without  
 2 authorization. They are authorized.  
 3 Q (Mr. Keyes) Are the expenditures that  
 4 listed here from 2006 to 2017 budgeted or non  
 5 budgeted expenditures?  
 6 MR. BADALA: Objection to form.  
 7 A The county has no legal authority to spend  
 8 unless the dollars are appropriated, which is  
 9 probably what you mean by budgeted. So everything  
 10 is appropriated.  
 11 Q (Mr. Keyes) So every expenditure that is  
 12 listed on this chart from 2006 to 2017 was a  
 13 budgeted expense?  
 14 MR. BADALA: Objection to form.  
 15 A The only exception would be if we have  
 16 what's called trust and agency accounts. The  
 17 prosecutor has some, which would be like forfeiture  
 18 money, seizures, but that would be -- I don't know  
 19 what's included in here, but for the most part, yes,  
 20 it would all be budget.  
 21 Q (Mr. Keyes) So you identified a possible  
 22 exception, it is just a possible exception?  
 23 A That's correct.  
 24 Q Putting that possible exception to the  
 25 side, is it the county's testimony that every



<p style="text-align: right;">Page 154</p> <p>1 expenditures that's listed in this chart from 2006</p> <p>2 to 2017 relating to the opioid problem was a</p> <p>3 budgeted expense?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A What I'm saying is that they are</p> <p>6 appropriated.</p> <p>7 Q (Mr. Keyes) Meaning they were</p> <p>8 appropriated by county council, correct, or its</p> <p>9 predecessor?</p> <p>10 A That's correct.</p> <p>11 Q And therefore were authorized expenditures</p> <p>12 in advance of being made?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A Yes. The authorization could have come a</p> <p>15 week in advance, but yes.</p> <p>16 Q (Mr. Keyes) Okay.</p> <p>17 A These are not always, sorry, but, it is</p> <p>18 not as if, we amend budgets every four weeks. The</p> <p>19 budget is constantly amended. Every expenditure in</p> <p>20 2006 was not known or even anticipated for that</p> <p>21 matter in the 2006 budget, original budget if that</p> <p>22 makes sense.</p> <p>23 Q Okay. But I'm trying to understand. Were</p> <p>24 the expenses listed in this chart from 2006 to 2017</p> <p>25 unauthorized or were they appropriated?</p>	<p style="text-align: right;">Page 156</p> <p>1 beyond the budget?</p> <p>2 A Absolutely.</p> <p>3 Q Okay. Which ones?</p> <p>4 A I can't definitively say which ones, but I</p> <p>5 can tell knowing these individual agencies and the</p> <p>6 years we are talking about, they exceeded their</p> <p>7 budget.</p> <p>8 Q Okay. You can't tell me which</p> <p>9 expenditures?</p> <p>10 A No, of course not.</p> <p>11 Q You can't tell me which line items?</p> <p>12 A Line item, do you mean agency?</p> <p>13 Q Agency or division?</p> <p>14 A Children and Family Services exceeded its</p> <p>15 budget within this period of time, the public</p> <p>16 defender exceeded its budget probably every year</p> <p>17 during this time, juvenile court exceeded its budget</p> <p>18 during this time period, the sheriff's office</p> <p>19 exceeded their budget during time period, the</p> <p>20 medical examiner exceeded its budget during the time</p> <p>21 period.</p> <p>22 The ADAMHS Board never did, though as</p> <p>23 I mentioned, we only give them a subsidy and I'm not</p> <p>24 mentioning the prosecutor and Court of Common Pleas</p> <p>25 only because I can't remember.</p>
<p style="text-align: right;">Page 155</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A Expenditures are appropriated.</p> <p>3 Q (Mr. Keyes) And so all of the</p> <p>4 expenditures on this chart from 2006 to 2017 were</p> <p>5 appropriated, correct?</p> <p>6 A That's correct.</p> <p>7 Q And they were appropriated in advance of</p> <p>8 the expenditures being made?</p> <p>9 A That's correct. There are some</p> <p>10 expenditures in the county budget, there are some</p> <p>11 legal exceptions where you can get approval after</p> <p>12 the fact.</p> <p>13 So not for the appropriation, you</p> <p>14 have to have appropriation, but just as an example,</p> <p>15 we do have the ability for foster care and adoption</p> <p>16 as an example. The foster, if you are a foster</p> <p>17 parent or adoptive parent. You can choose the</p> <p>18 agency you want to work with. So if you take a</p> <p>19 child today, and we didn't even know who you were</p> <p>20 yesterday, and you say I am already working with</p> <p>21 agency X. We can authorize retroactively an expense</p> <p>22 to agency X, but the expense itself would have been</p> <p>23 appropriated.</p> <p>24 Q So were any of the expenses listed on this</p> <p>25 chart from 2006 to 2017 expenses that were incurred</p>	<p style="text-align: right;">Page 157</p> <p>1 Q In which years and by how much?</p> <p>2 A I can't tell you that off the top of my</p> <p>3 head.</p> <p>4 Q Okay. Does the county use FAMIS to track</p> <p>5 expenditures?</p> <p>6 A Yes, it did.</p> <p>7 Q And can you run a query against FAMIS to</p> <p>8 identify all expenditures by a particular account?</p> <p>9 A What do you mean by account.</p> <p>10 Q I mean, a particular account number?</p> <p>11 MR. BADALA: Objection, outside the scope.</p> <p>12 A So we refer to account number like 50</p> <p>13 different things. Do you mean an agency, is that</p> <p>14 what you mean by account?</p> <p>15 Q (Mr. Keyes) No, I mean like supplies or</p> <p>16 postage stamps. What would you call that?</p> <p>17 A We call that a subobject. But, yes, we</p> <p>18 can run -- FAMIS doesn't run queries the way you</p> <p>19 think, it is a very old system. We are in the</p> <p>20 process of upgrading it.</p> <p>21 So I can't say run, you know, run me</p> <p>22 every supply for in every year. I can do that in</p> <p>23 BRASS, which is my budget and reporting system.</p> <p>24 Q Okay. But if I wanted to identify every</p> <p>25 expenditures by subobject for every cost center for</p>

<p style="text-align: right;">Page 158</p> <p>1 a particular period of time, that can be done 2 against FAMIS, correct? 3 MR. BADALA: Objection to form, outside 4 the scope. 5 A That can be done depending on the year in 6 BRASS, which uses FAMIS data. You can't run that 7 query in FAMIS. 8 Q (Mr. Keyes) And when you get that export 9 of the data listing all of the expenditures, can you 10 tell from the system what the revenue source was for 11 each expense? 12 MR. BADALA: Objection, outside the scope. 13 A Not for each expense, no. 14 Q (Mr. Keyes) So if you look at a 15 particular expense, either in FAMIS or BRASS, and 16 you want to know what dollars were used to cover 17 that expense, how do you determine that? 18 MR. BADALA: Objection, outside the scope. 19 A So the revenue is tracked by what you are 20 calling a cost center, but any particular, so for 21 example, I will just use the prosecutor's office. 22 The prosecutor's office is largely general fund. 23 They do get some other revenue, but just for the 24 sake of this, I will say they are general fund. 25 If you look at the prosecutor's</p>	<p style="text-align: right;">Page 160</p> <p>1 expenditure. 2 A Uh-huh. 3 Q How do I match that up, either using BRASS 4 or FAMIS data with the source of the funds that 5 covered that expenditure? 6 A On a specific expenditure you don't use 7 BRASS or FAMIS. For that you would have to either 8 go to the agency itself, if it's relevant. So, for 9 example, I will use Children and Family Services, so 10 they have, you know, people, boarding care expenses 11 and facilities, right. And on the revenue side they 12 have Health and Human Service levies, a Title 4E, 13 the state child adoption allocation. 14 The agency can tell you by 15 expenditure what revenue source they're hitting. I 16 don't have that level of detail. 17 Q But the agency can do that? . 18 MR. BADALA: Objection to form. 19 A For a lot of their expenses, yes. 20 Q (Mr. Keyes) And how can each agency tell 21 what the revenue source is for a particular 22 expenditure, looking at what record or records? 23 A I don't know what their records are 24 called, but I know they have it because we report 25 that to some of the agencies where we receive</p>
<p style="text-align: right;">Page 159</p> <p>1 expenses, the revenue will just say general fund. 2 General fund is comprised of, you know, dozens of 3 revenue sources and including, just as an example, 4 sales tax and property tax. 5 I cannot tell you that, you know, 6 this prosecutor is paid by sales tax and this 7 prosecutor is paid by property tax. They are paid 8 by the general fund. 9 Q (Mr. Keyes) Okay. 10 A Does that answer your question? 11 Q Not entirely. 12 A I don't understand it then. 13 Q If for any particular expenditure incurred 14 by Cuyahoga County, I want to know where the dollars 15 came from? 16 A Uh-huh. 17 Q Whether they came from the federal 18 government, from the state government, from a third 19 party, from a special fund or a general fund, how do 20 I do that? 21 MR. BADALA: Objection, outside the scope. 22 A So we have reports that can show you by 23 fund and each fund will identified the sources of 24 revenue that are included in that fund. 25 Q (Mr. Keyes) Okay. But on a particular</p>	<p style="text-align: right;">Page 161</p> <p>1 revenue. So we get revenue from the State of Ohio 2 and in order to draw down that revenue, they have to 3 report what their expenses are. 4 Q Okay. So I want to be very clear. If 5 Cuyahoga County points down the road in more detail 6 to specific expenses it incurred. 7 A Uh-huh. 8 Q Purportedly because of the opioid problem? 9 A Uh-huh. 10 Q For each of those expenses, I want to be 11 able to look at what the source of revenue was for 12 that expenditure. How do I do that? 13 A So, again, I can tell you the funding 14 source that goes into the fund and then I can tell 15 you each individual revenue source. 16 If you want to know what funding 17 source paid for this paperclip, you can try the 18 agency if they report at that level of detail. Not 19 all of them do because a lot of them we're not 20 required to do that. 21 Q Well, can you at least tell whether that 22 paperclip was paid for by federal money, state 23 money, grant money, general fund or special fund? 24 MR. BADALA: Objection to form. 25 A Well, all of that is county money, which</p>

<p style="text-align: right;">Page 162</p> <p>1 comes into the county budget as either general fund 2 or special fund. So that's the only two options for 3 us, general fund or special revenue fund. Federal 4 money, state money, grant money can flow into one of 5 those two. 6 Q (Mr. Keyes) Into general fund or special 7 fund? 8 A That's correct. 9 Q But then how do you account for the 10 dollars that come in from the state or federal 11 government into a general fund or a special fund? 12 A We capture our revenue by line item. I 13 mean, very specifically. So I have one particular, 14 again, we use subobject on revenue and I have one 15 subtitle for a Title 4E maintenance, I have one 16 subobject for the local government fund, one for 17 property taxes, one for delinquent property taxes. 18 We get very detailed. 19 Q (Mr. Keyes) Okay. 20 MR. KEYES: Let's a five minute break. 21 THE VIDEOGRAPHER: It is 12:49. Going off 22 the record. 23 (Off the record.) 24 THE VIDEOGRAPHER: It is 1:03, we are back 25 on the record.</p>	<p style="text-align: right;">Page 164</p> <p>1 Q When was the additional pathologist hired? 2 A I cannot tell you that. 3 Q And how much was spent on this new or 4 additional pathologist? 5 A Well, the pathologists are about 150 to 6 200,000 a year. The last one we hired, I don't know 7 their individual rates of pay, but they are up 8 there. 9 Q So how many pathologists does the medical 10 examiner's office currently have? 11 A Oh, goodness. I can't say without looking 12 at an OARRS chart for them. 13 Q How many did it have in 2018? 14 MR. BADALA: Objection, outside the scope. 15 A I'm sorry, I can't say. 16 Q (Mr. Keyes) How about 2017? 17 A I can't say. 18 Q How about in any prior year before 2017? 19 A I know they got an additional one in 2017. 20 But I don't know the base number and then what that 21 one increased it to. 22 Q You testified before about hiring an 23 additional pathologist that occurred in 2017? 24 A That's correct. 25 Q Okay. Other than the medical examiner's</p>
<p style="text-align: right;">Page 163</p> <p>1 Q (Mr. Keyes) What categories of 2 expenditures did the medical examiner's office incur 3 because of the opioid problem? 4 A I can only tell you the total dollar 5 amount that has been identified in the medical 6 examiner's budget. I cannot tell you categories of 7 expenditures. 8 Q Can you identify any types of expenditures 9 that the medical examiner's office incurred because 10 of the opioid problem? 11 A Personnel costs and nonpersonnel costs. 12 Q What are the personnel costs that were 13 incurred by the medical examiner's office because of 14 the opioid problem? 15 A I know that specifically they had to hire 16 an additional pathologist. I do not know what other 17 staff have been included in the cost. 18 Q What pathologist was hired? 19 A Do you need a name? 20 MR. BADALA: Objection to form. 21 Q (Mr. Keyes) What was the formal position? 22 A Pathologist. 23 Q And who was hired for that slot? 24 A Well, we have several. I don't know. I 25 don't know any of their names except for Dr. Gilson.</p>	<p style="text-align: right;">Page 165</p> <p>1 office hiring an additional pathologist in 2017, can 2 you tell me anything about the categories or types 3 of expenditures that the medical examiner's office 4 incurred because of the opioid problem in the area 5 of personnel costs? 6 MR. BADALA: Objection to form. 7 A Well, I don't mean to give the impression 8 that the additional pathologist is the only 9 personnel expense. So the number of our 10 pathologists has been increasing over time, and we 11 have other personnel besides pathologists. That's 12 just one example that I can tell you was definitely 13 attributed because the medical examiner had to come 14 in and ask for additional funding mid year. 15 Q (Mr. Keyes) So I asked you what are the 16 expenses incurred by the medical examiner's office 17 because of the opioid problem. You said personnel 18 costs and nonpersonnel costs. With respect to 19 personnel costs I said, what are the expenditures or 20 types of expenditures? You said they had to hire an 21 additional pathologist. 22 What, if any, are the other personnel 23 costs incurred by the medical examiner's office 24 because of the opioid problem? 25 A It would be their entire staffing. I</p>

<p style="text-align: right;">Page 166</p> <p>1 don't have all of their job classifications. They  2 have scientists, and data analysts, and  3 pathologists, and clerks, but um, a portion of the  4 medical examiner's workload is attributed to the  5 opioid epidemic. So necessarily a portion of their  6 personnel cost, in addition to just the  7 pathologists, would be.  8 Q What portion of the personnel costs is  9 attributable to the opioid problem?  10 MR. BADALA: Objection to form.  11 A I can't answer that question. I was not  12 involved in the calculation of impact to the county  13 budget of the opiate epidemic and I know the figures  14 identified in the Exhibit 2 are totals, but I do not  15 have the breakout of whether that's personnel,  16 nonpersonnel, or for that matter, what kind of  17 personnel costs, whether it is salaries, benefits.  18 Q (Mr. Keyes) What percentage of the  19 autopsies performed by the medical examiner's office  20 involved the decedents use of prescription opiates?  21 A Dr. Gilson could best answer that  22 question, I don't have that data.  23 Q What percentage of the toxicology testing  24 performed by the medical examiner's office involves  25 decedents who use prescription opiates?</p>	<p style="text-align: right;">Page 168</p> <p>1 A Um, well, they have supply costs related  2 to toxicology testing, there's equipment in the  3 medical examiner's lab that is used for conducting  4 autopsies and other services. Again, I can't tell  5 you a dollar amount because the experts calculated  6 these figures that are referenced here. So I only  7 see the total, but those are the nonpersonnel costs  8 that are in the medical examiner's office.  9 Q What equipment, if any, do the medical  10 examiner's office buy because of the opioid problem  11 that it otherwise didn't need?  12 A I would have to defer to Dr. Gilson to  13 answer that question. I don't, I'm not familiar  14 with all of their equipment to be honest. I can  15 only pronounce a little bit of it. So I don't know.  16 Q What supplies, if any, did the medical  17 examiner's office buy because of the opioid problem  18 that it otherwise didn't need?  19 A Again, I would defer to Dr. Gilson. I  20 know that they, meaning the medical examiner has  21 reported that their supply costs have increased as a  22 result of the number of opiate cases that are coming  23 through, but he's best to talk about the supplies  24 and equipment that are utilized in that office.  25 Q Can you connect any of expenditures that</p>
<p style="text-align: right;">Page 167</p> <p>1 A Again, I would have to defer to  2 Dr. Gilson, the medical examiner. I know they do  3 track that data because I have seen, they have  4 provided that to me at least a couple times, but I  5 don't. I don't have it off the top of my head.  6 Q You have seen data from the medical  7 examiner's office that shows the percentage of  8 toxicology tests that show the use of prescription  9 opioids by the decedent?  10 A Yes, the use of, well, yes. They have  11 that data.  12 Q Prescription opioids?  13 A Yes.  14 Q How often do you get that kind of data  15 from the medical examiner's office?  16 A It is not routine. So I ask for it every  17 once in a while if I see something changing with the  18 projections of the office up or down. They haven't  19 really been going down. Then I might ask because I  20 want to include it in the narrative that we send  21 with the quarterly forecast, but I don't receive it  22 on awe routine basis.  23 Q What nonpersonnel costs have been incurred  24 by the medical examiner's office because of the  25 opioid problem?</p>	<p style="text-align: right;">Page 169</p> <p>1 the county says were incurred because of the opioid  2 problem to the conduct of any particular defendant?  3 A Um, I don't -- I don't, I cannot. Whether  4 the county's experts are working on that. I don't  5 know. I have not seen any report that connects  6 anything to any of have the defendants.  7 Q Sitting here today as the corporate  8 representative for Cuyahoga County, can you connect  9 any of the expenditures that the county says were  10 incurred because of the opioid to the conduct of any  11 particular defendant?  12 MR. BADALA: Objection to the form.  13 A The county can connect its expenses to the  14 conduct of the defendants. At this point I cannot  15 say which defendant for any level of damages, but  16 again, I would defer to the county's attorney and  17 its experts on that. That is certainly beyond the  18 scope of what the county does.  19 Q (Mr. Keyes) Please identify for me the  20 positions that were created and funded by the  21 Cuyahoga County government because of the opioid  22 problem?  23 MR. BADALA: Objection to form.  24 A Off the top of my head, and this would not  25 in any way be an exhaustive list. We have created</p>

<p style="text-align: right;">Page 170</p> <p>1 new positions in the Children and Family Services of  2 Social Workers. We have hired additional correction  3 officers, we have hired, as I said, an additional  4 pathologist. Other than that, I'd have to review  5 hiring requests, but I know those specifically, but  6 that should not be interpreted as an exhaustive  7 list.  8 Q (Mr. Keyes) And you said earlier the one  9 pathologist was hired in 2017?  10 A There was one hired in 2017, that is  11 correct.  12 Q How many correction officer positions did  13 Cuyahoga County government create and fund because  14 of the opioid problem?  15 A I can't answer that question.  16 Q When did Cuyahoga County government create  17 and fund additional correction officers positions  18 because of the opioid problem?  19 A The county hired additional correction  20 officers in 2017 and 2018.  21 Now retrospectively, I cannot say  22 whether the figures identified in Exhibit 2 include  23 correction officers. The county will increase the  24 number of correction staff based on the ADP. So,  25 again, I'm sorry, the average daily population. So</p>	<p style="text-align: right;">Page 172</p> <p>1 worker positions. How many of them are attributed  2 to the opiate problem I can't specifically say.  3 Again, I'm not in the business, the county is not in  4 the business of doing that kind of computation.  5 So we are relying on the experts to  6 do that for us. I just know what we spent.  7 Q How many additional social worker  8 positions were created and funded for the Division  9 of Children and Family Services in 2018?  10 A Um, I believe it was 12.  11 Q How many of those 12 additional social  12 worker positions were created and funded for the  13 Division of Children and Family Services because of  14 the opioid problem?  15 A I believe I just answered that. I can't  16 say how many of the positions are created are  17 directly attributed to the opiate.  18 Q How many social worker positions were  19 created and funded for the Division of Children and  20 Family Services in 2017?  21 A I'm not aware of enough positions being  22 created in 2017. I believe we were relying on  23 overtime.  24 Q So is it accurate to say that no --  25 A Sorry, in 2017 we were cut, we were in the</p>
<p style="text-align: right;">Page 171</p> <p>1 if that increases, of course we have to hire  2 additional correction officers.  3 Q How many additional positions for  4 correction officers did Cuyahoga County government  5 create and fund in 2018?  6 A I can't answer that off the top of my  7 head.  8 Q How many additional positions for  9 correction officers did Cuyahoga County government  10 create and fund in 2017?  11 A 25.  12 Q And were all 25 of those additional  13 positions for correction officers that Cuyahoga  14 County government created and funded in 2017 because  15 of the opioid problem?  16 A I can't answer that question.  17 Q How many additional positions for  18 correction officers did Cuyahoga County government  19 create and fund before 2017 because of the opioid  20 problem?  21 A I can't answer that question.  22 Q How many social workers did the Division  23 of Children and Family Services create and fund in  24 2018 because of the opioid problem?  25 A In 2018, the county did create new social</p>	<p style="text-align: right;">Page 173</p> <p>1 second year of a budget. We had cut the budget,  2 2016 and '17 budget. In 2017 we were working on the  3 '18/'19 budget. And everybody was told if you need  4 something, basically don't even ask because we were  5 seeking cuts from all the agencies due to projected  6 operating deficits our costs are increasing. So I  7 don't believe that we created new positions in 2017.  8 Q Okay. I want to make sure I understand  9 your answer.  10 Is it your testimony that no  11 additional social worker positions were created and  12 funded for the Division of Children and Family  13 Services in 2017?  14 A That's my understanding.  15 Q How many additional social worker  16 positions were created and funded for the Division  17 of Children and Family Services in 2016?  18 A I can't say. I can't recall off the top  19 of my head.  20 Q Any?  21 A I don't know.  22 Q Before 2017, did Cuyahoga County  23 government create any additional social worker  24 positions for the Division of Children and Family  25 Services because of the opioid problem?</p>



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1 A Well, before 2017, we wouldn't have done  
 2 it at the time knowingly because of the opiate  
 3 problem. Because in those years before 2017, we  
 4 didn't know what we were dealing with.  
 5 So whether we created new positions  
 6 in the Department of Division and Children Family  
 7 Services, I can't say.  
 8 But I can say that we would have just  
 9 requested any positions as a result of rising  
 10 caseloads.  
 11 Q Is it your testimony that before 2017,  
 12 Cuyahoga County government did not create any  
 13 additional social worker positions for the Division  
 14 of Children and Family Services because of the  
 15 opioid problem?  
 16 MR. BADALA: Objection to form,  
 17 mischaracterizes testimony.  
 18 A That's not my testimony. So I'm saying A,  
 19 I can't recall if we created new positions prior to  
 20 2017 in that division specifically. And I'm saying  
 21 that certainly before 2016, any new positions  
 22 created would have been as a result of rising  
 23 caseloads. It wouldn't have been requested because  
 24 of the opiate epidemic.  
 25 Q (Mr. Keyes) Because your testimony is

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1 that before 2016, Cuyahoga County was unaware of  
 2 their being an opioid problem, correct?  
 3 MR. BADALA: Objection to form.  
 4 A That's correct.  
 5 Q (Mr. Keyes) What are the total dollars  
 6 spent by Cuyahoga County in any year in providing  
 7 services to people who have an opioid use disorder  
 8 because of their use of prescription opioids?  
 9 MR. BADALA: Objection to form.  
 10 A I can't identify that. What the county  
 11 has identified is the total dollars spent related to  
 12 the opiate epidemic. But as I mentioned before,  
 13 that includes prescription opiates, but that would  
 14 also tie in Fentanyl is a prescription, carfentanil  
 15 and heroin.  
 16 So I can't piece out for you of these  
 17 totals, how much is prescription, how much is every  
 18 other category.  
 19 Q (Mr. Keyes) What are the total dollars  
 20 spent by Cuyahoga County in any year in providing  
 21 services through the Division of Children and Family  
 22 Services to children or families that involved the  
 23 parents use or misuse of prescription opioids?  
 24 MR. BADALA: Objection to form.  
 25 A Again, I can't break out that. So we have

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1 the total amount spent by the Division of Children  
 2 and Family Services for the overarching opiate  
 3 epidemic.  
 4 Q (Mr. Keyes) What are the total dollars by  
 5 Cuyahoga County in any year in the prosecutor,  
 6 public defender, or the Court of Common Pleas  
 7 agencies in providing services to individuals who  
 8 are in the criminal justice system because of their  
 9 use or misuse of prescription opioids?  
 10 MR. BADALA: Objection to form.  
 11 A I don't have that level of detail.  
 12 Q (Mr. Keyes) What are the total dollars  
 13 spent by Cuyahoga County in the juvenile court  
 14 agency because of juveniles, or their family  
 15 members, use or misuse of prescription opioids?  
 16 MR. BADALA: Objection to form.  
 17 A I don't have that detail.  
 18 Q (Mr. Keyes) Are the total dollars spent  
 19 by the sheriff's office, either the sheriff's  
 20 division, law enforcement division or the jail  
 21 division spending, I'm sorry, strike that.  
 22 What are the total dollars spent by  
 23 the law enforcement or jail divisions of the  
 24 sheriff's agency in providing services to  
 25 individuals who have been charged with or convicted

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1 of crimes involving use or misuse of prescription  
 2 opioids?  
 3 MR. BADALA: Objection to form.  
 4 A I don't have that level of detail. I will  
 5 point out that it is possible for us to have an  
 6 inmate in our facility who has an addiction to  
 7 prescription opiates or any kind of opiates who is  
 8 not being charged with a drug crime.  
 9 Q (Mr. Keyes) What are total dollars spent  
 10 by law enforcement or jail divisions of the  
 11 sheriff's agency in providing medical services to  
 12 individuals who are in the system and have an opioid  
 13 use disorder because of their use or misuse of  
 14 prescription opioids?  
 15 MR. BADALA: Objection to form.  
 16 A I don't have that level of detail.  
 17 Q (Mr. Keyes) What are the total dollars  
 18 spent by the medical examiner's office in providing  
 19 services in connection with deaths that are  
 20 attributable to the use or misuse of prescription  
 21 opioids?  
 22 MR. BADALA: Objection to form.  
 23 A Again, I don't have that level of detail.  
 24 The county recognizes the opiate epidemic all  
 25 derives from prescription opiates.



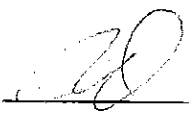
<p style="text-align: right;">Page 178</p> <p>1 Q (Mr. Keyes) Do you have a factual basis 2 for Cuyahoga County's position that the opioid 3 epidemic is attributable to prescription opioids? 4 MR. BADALA: Objection to form. 5 A I'm sorry, can you repeat the question? 6 Q (Mr. Keyes) Sure. Do you have a factual 7 basis for the position that you just stated of 8 Cuyahoga County that the opioid epidemic is 9 attributable to prescription opioids? 10 MR. BADALA: Objection to form. 11 A Um, that assertion is based in part on our 12 medical examiner, Dr. Gilson, who has been actively 13 involved in this for sometime. And the county is 14 deferring to its attorneys and the experts as well. 15 Q (Mr. Keyes) Have you spoken with the 16 experts about this? 17 A No, I have not. 18 Q Have you spoken with the lawyers about 19 this? 20 A About? 21 MR. BADALA: Hold on. I'm going to object 22 and instruct you not to disclose any conversations 23 with the lawyers. 24 Q (Mr. Keyes) Have you spoken with 25 Dr. Gilson about this, this position that the opioid</p>	<p style="text-align: right;">Page 180</p> <p>1 Q That position is based on what the lawyers 2 have said, what the experts for the lawyers have 3 said, and what Mr. Gilson has said, correct? 4 MR. BADALA: Objection to form. 5 A That's correct. 6 Q (Mr. Keyes) Do you have any other basis 7 besides what the county's experts in this case have 8 said, the county's lawyers have said or Mr. Gilson 9 have said? 10 MR. BADALA: Objection to form, outside 11 the scope. 12 A The county defers to experts. 13 Q (Mr. Keyes) But you haven't talked to any 14 of the experts, right? 15 A But I think I'm speaking for the county 16 and the county is deferring to the experts that have 17 been retained to assist us. 18 Q Okay. So what does the county know by 19 talking to experts about this? 20 MR. BADALA: Objection to form. 21 A The county confers with its attorneys, 22 which I'm not going to disclose what the county 23 discusses with its attorneys. 24 Q (Mr. Keyes) I didn't ask about the 25 lawyers, I said I asked about the experts.</p>
<p style="text-align: right;">Page 179</p> <p>1 epidemic is attributable to prescription opioids? 2 A Um, I can't confirm that I have had a 3 specific discussion with him, but Dr. Gilson has, so 4 the directors that work under the authority of the 5 county executive. We have bimonthly director 6 meetings and Dr. Gilson is a standing agenda item, 7 has been for a couple years, to talk about the 8 opiate epidemic. So he has communicated that stance 9 through those director meetings, which I attend. 10 Q So let me make sure I understand your 11 factual basis for what you say is Cuyahoga County's 12 position that the opioid epidemic is attributable to 13 prescription opioids. And you said, it is based on 14 what Dr. Gilson has said, what Cuyahoga County's 15 lawyers have said, and what Cuyahoga County's 16 experts have said, correct? 17 MR. BADALA: Objection to form. 18 Q (Mr. Keyes) Is that correct? 19 A I think that might be slightly 20 misrepresenting because Cuyahoga County is not 21 saying that there is not a problem with heroin or 22 carfentanil or any other kind of illicit opiate that 23 I don't know the name of. The county's stance is 24 that those issues stem from the use of prescription 25 opiate.</p>	<p style="text-align: right;">Page 181</p> <p>1 A The county confers with. 2 MR. BADALA: Hold on, give me a second. 3 Objection to form, outside the scope. Just give me 4 a second, I'm sorry. 5 Q (Mr. Keyes) You said the county defers to 6 the experts. You are telling me that position, 7 right? 8 A That's correct. 9 Q I asked you the basis for the position and 10 you said Gilson county lawyers and county experts? 11 A That's correct. 12 Q And when you are at some pointing to the 13 experts, have you talked to any of the experts? 14 MR. BADALA: Objection to form, outside 15 the scope. 16 A No, I have not. 17 Q (Mr. Keyes) So what you know about what 18 the experts say is through the lawyers? 19 MR. BADALA: Objection to form, I'm going 20 to instruct you not to respond to that, don't answer 21 that question. It is privilege what our discussions 22 with her and the lawyers, that's privileged. 23 Q (Mr. Keyes) My question was -- 24 MR. BADALA: That was your question. 25 Q (Mr. Keyes) What you know about what the</p>

<p style="text-align: right;">Page 182</p> <p>1 experts say is through the lawyers. That's a yes or  2 no question. If the answer is no, there's no  3 privilege. If the answer is yes, I'm not going to  4 ask about it either way. I'm entitled to a yes or  5 no.  6 MR. BADALA: I am going to object and  7 instruct you not to respond to that question.  8 Q (Mr. Keyes) Separate from what you have  9 learned from the lawyers, do you have any idea what  10 the experts for Cuyahoga County say in this case?  11 MR. BADALA: Objection to form.  12 A No, I have not communicated with the  13 experts.  14 Q (Mr. Keyes) So the county's position that  15 the opioid epidemic is attributable to prescription  16 opioids is based on what the county has heard from  17 the lawyers about what the experts say, plus what  18 Dr. Gilson has said, correct?  19 MR. BADALA: I'm going to object again,  20 and as for the lawyer, I'm going to tell you not to  21 confirm or deny that's privileged communication.  22 You can talk about your communication with  23 Dr. Gilson, but not with the lawyers.  24 A I certainly have discussed the  25 communication with Dr. Gilson. He regularly reports</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. BADALA: Hold on one second. Anyone  2 on the defense side have any questions?  3 How about anyone on the phone, anyone have  4 any questions?  5 Let's take a quick two minute break.  6 THE VIDEOGRAPHER: 1:32 going off the  7 record.  8 (Off the record.)  9 THE VIDEOGRAPHER: It is 1:40. We are  10 back on the record.  11 EXAMINATION  12 BY MR. BADALA:  13 Q Miss Keenan, I just have a couple  14 follow-up questions for you.  15 When did the county first become  16 aware that there was a heroin epidemic in Cuyahoga  17 County?  18 A I want to be clear that the county  19 recognizes an opiate epidemic that includes  20 prescription opiates, heroin, Fentanyl and  21 carfentanil. The county realized that we were in  22 the midst of an epidemic in 2016.  23 MR. BADALA: I have no further questions  24 THE VIDEOGRAPHER: It is 1:41. Going off  25 the record.</p>
<p style="text-align: right;">Page 183</p> <p>1 out to all the county leadership.  2 Q (Mr. Keyes) So you are relying on what  3 Dr. Gilson has said?  4 A Not exclusively.  5 Q You are relying on what Dr. Gilson has  6 said and what you have learned from the lawyers.  7 MR. BADALA: Again, I'm going to instruct  8 you not to respond regarding the lawyers. You can  9 respond regarding Dr. Gilson.  10 MR. KEYES: I'm trying to understand the  11 basis of your position. What is the basis of your  12 position besides what you have heard from lawyers.  13 I'm not allow to probe that, so I'm not asking what  14 you've heard from lawyers.  15 MR. BADALA: She has told you three times,  16 Dr. Gilson.  17 Q (Mr. Keyes) What is the basis, Gilson and  18 anything else?  19 MR. BADALA: Again, besides the lawyers if  20 there was anything.  21 A That's it.  22 Q (Mr. Keyes) That's it.  23 A Yes.  24 Q Thank you.  25 MR. KEYES: I have no further questions.</p>	<p style="text-align: right;">Page 185</p> <p>1 (End of video deposition.)  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>

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1 State of Ohio  
 2 SS.  
 3 County of Cuyahoga  
 4 I, Randy R. Dunn, a Licensed Certified Court  
 5 Reporter by the Supreme Court in and for the State  
 6 of Missouri, duly commissioned, qualified and  
 7 authorized to administer oaths and to certify to  
 8 depositions, do hereby certify that pursuant to  
 9 Notice in the civil cause now pending and  
 10 undetermined in the County of Cuyahoga, State of  
 11 Ohio, to be used in the trial of said cause in said  
 12 court, I was attended at the offices of Climaco,  
 13 Wilcox, Peca, Tarantino & Garofoli, 55 Public  
 14 Square, Suite 1950 in the City of Cleveland, State  
 15 of Ohio, by the aforesaid attorneys; on the 18th day  
 16 of January, 2019.  
 17 The said witness, being of sound mind and being  
 18 by me first carefully examined and duly cautioned  
 19 and sworn to testify the truth, the whole truth, and  
 20 nothing but the truth in the case aforesaid,  
 21 thereupon testified as is shown in the foregoing  
 22 transcript, said testimony being by me reported in  
 23 shorthand and caused to be transcribed into  
 24 typewriting, and that the foregoing page correctly  
 25 set forth the testimony of the aforementioned

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1 witness, together with the questions propounded by  
 2 counsel and remarks and objections of counsel  
 3 thereto, and is in all respects a full, true,  
 4 correct and complete transcript of the questions  
 5 propounded to and the answers given by said witness;  
 6 I further certify that I am not of counsel or  
 7 attorney for either of the parties to said suit, not  
 8 related to e parties or  
 9 their atto  
  
 10  
 11 Randy R. Dunn RPK, CRK, CCR No. 193  
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1 Veritext Legal Solutions  
 2 1100 Superior Ave  
 3 Suite 1820  
 4 Cleveland, Ohio 44114  
 5 Phone: 216-523-1313  
 6  
 7 January 23, 2019  
 8 To: Salvatore C. Badala  
 9  
 10 Case Name: In Re: National Prescription Opiate Litigation v.  
 11 Veritext Reference Number: 3182085  
 12  
 13 Witness: Maggie Keenan Deposition Date: 1/18/2019  
 14  
 15 Dear Sir/Madam:  
 16  
 17 Enclosed please find a deposition transcript. Please have the witness  
 18 review the transcript and note any changes or corrections on the  
 19 included errata sheet, indicating the page, line number, change, and  
 20 the reason for the change. Have the witness' signature notarized and  
 21 forward the completed page(s) back to us at the Production address  
 22 shown  
 23 above, or email to production-midwest@veritext.com.  
 24  
 25 If the errata is not returned within thirty days of your receipt of  
 this letter, the reading and signing will be deemed waived.  
 Sincerely,  
 Production Department  
 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW  
 2 CERTIFICATION OF WITNESS  
 3  
 4 ASSIGNMENT REFERENCE NO: 3182085  
 5 CASE NAME: In Re: National Prescription Opiate Litigation v.  
 6 DATE OF DEPOSITION: 1/18/2019  
 7 WITNESS' NAME: Maggie Keenan  
 8 In accordance with the Rules of Civil  
 Procedure, I have read the entire transcript of  
 my testimony or it has been read to me.  
 I have made no changes to the testimony  
 as transcribed by the court reporter.  
 9 Date \_\_\_\_\_ Maggie Keenan  
 10 Sworn to and subscribed before me, a  
 Notary Public in and for the State and County,  
 11 the referenced witness did personally appear  
 and acknowledge that:  
 12  
 13 They have read the transcript;  
 14 They signed the foregoing Sworn  
 Statement; and  
 15 Their execution of this Statement is of  
 their free act and deed.  
 16  
 17 I have affixed my name and official seal  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 18  
 19 Notary Public  
 Commission Expiration Date  
 20  
 21  
 22  
 23  
 24  
 25

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1 DEPOSITION REVIEW  
2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 3182065

4 CASE NAME: In Re: National Prescription Opiate Litigation v.

5 DATE OF DEPOSITION: 1/18/2019

6 WITNESS' NAME: Maggie Keenan

7 In accordance with the Rules of Civil  
8 Procedure, I have read the entire transcript of  
9 my testimony or it has been read to me.

10 I have listed my changes on the attached  
11 Errata Sheet, listing page and line numbers as  
12 well as the reason(s) for the change(s).

13 I request that these changes be entered  
14 as part of the record of my testimony.

15 I have executed the Errata Sheet, as well  
16 as this Certificate, and request and authorize  
17 that both be appended to the transcript of my  
18 testimony and be incorporated therein.

19 Date \_\_\_\_\_ Maggie Keenan

20 Sworn to and subscribed before me, a  
21 Notary Public in and for the State and County,  
22 the referenced witness did personally appear  
23 and acknowledge that:

24 They have read the transcript;  
25 They have listed all of their corrections  
in the appended Errata Sheet;

They signed the foregoing Sworn  
Statement; and  
Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

Commission Expiration Date

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1 ERRATA SHEET  
2 VERITEXT LEGAL SOLUTIONS MIDWEST

3 ASSIGNMENT NO: 1/18/2019

4 PAGE/LINE(S)/ CHANGE /REASON

5 \_\_\_\_\_  
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20 Date \_\_\_\_\_ Maggie Keenan

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_

22 DAY OF \_\_\_\_\_, 20\_\_\_\_.

23 \_\_\_\_\_  
24 Notary Public

25 \_\_\_\_\_  
Commission Expiration Date

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